

APPENDIX J

*Phase I Environmental Assessment*



**TÖR** Environmental, Inc.

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P.O. Box 73626  
San Clemente, California 92673  
(949) 370-2046

Phase I Environmental Site  
Assessment  
Village at Laguna Hills  
24099, 24100, 24155, 24196,  
24200 and 24300 Laguna Hills  
Mall; 24001 Avenida De La  
Carlota; 23541 Calle De La  
Louisa; and 24032 El Toro Road  
Laguna Hills, California 92653

31 July 2020

Prepared for  
Glaser Weil Fink Howard  
Avchen and Shapiro LLP  
10250 Constellation Boulevard, 19<sup>th</sup> Floor  
Los Angeles, California 90067

TOR Project No. TOR-292

**TOR** Environmental, Inc.

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Jeffrey D. Borum, P.G., C.E.G.  
Principal Engineering Geologist

TOR Project No. TOR-292

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## Executive Summary

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TÖR Environmental, Inc. (TOR) was retained by Glaser Weil Fink Howard Avchen & Shapiro LLP (Glaser Weil) on behalf of Merlone Geier Management, LLC (MGM) to prepare a Phase I Environmental Site Assessment (Phase I ESA) for the Village at Laguna Hills Mixed Use Redevelopment, located at 24099, 24100, 24155, 24196, 24200 and 24300 Laguna Hills Mall; 24001 Avenida De La Carlota; 23541 Calle De La Louisa; and 24032 El Toro Road, Laguna Hills, California 92653 (*Illustrations 1, 2 and 3*). For the purpose of this report, the referenced parcels will be referred to as the “Subject Property”. The Subject Property is identified by sixteen (16) Orange County Assessor parcel numbers (APNs) 621-051-39, 621-051-41, 621-141-58, and 621-221-02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, and -14 (Orange Co Assessor, 2019). The Subject Property includes approximately 67.6 acres of land improved with commercial retail buildings. At the time of the site reconnaissance, the Subject Property was undergoing major renovation activities. The Subject Property was formerly called Five Lagunas and, before that, Laguna Hills Mall.

This Phase I ESA was conducted on behalf of Glaser Weil and MGM as part of a proposed mixed-use redevelopment consisting of retail, hospitality, office, and residential land uses. Glaser Weil and MGM will be the “User” of the resulting report, as defined in the American Society of Testing Materials (ASTM) E1527-13 standard practice for environmental site assessments and both will be referred to as the User throughout this report. This Phase I ESA will provide the User with a baseline understanding of environmental conditions present at the Subject Property using the guidelines set forth in ASTM E1527-13.

The purpose of this Phase I ESA is to identify recognized environmental conditions (“*RECs*”), historical recognized environmental conditions (“*HRECs*”), and controlled recognized environmental conditions (“*CRECs*”), as defined by ASTM E1527-13 that may have affected the Subject Property. Findings that are not *RECs*, *HRECs* or *CRECs*, but do have some potential to affect the Subject Property in the context of environmental due diligence are identified as *Notable Findings* for the purpose of this report.

## Conclusions

### **Recognized Environmental Conditions (*RECs*)**

As defined by ASTM, a *REC* is “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions.”



### **Onsite RECs**

This Phase I ESA revealed the following *RECs* on the Subject Property:

- **On-site Auto Service Facilities:** Two auto service facilities are currently operating the Subject Property: Firestone Complete Auto Care Center and Just Tires. Currently, the two businesses are identified as historical oil or used oil underground storage tank (UST) operators. These facilities operate or operated in-ground hydraulic lifts that remain in place as well as underground storage tanks and oil/water separators. **These two auto service facilities represent a *REC* on the Subject Property.**
- **JC Penney Elevators:** In July 2019, soil and groundwater assessment was limited to sampling points immediately adjacent to the freight and passenger elevators in the JC Penney building. Soil sample analytical results revealed impacts of total petroleum hydrocarbons in the diesel and motor oil carbon ranges in excess of regulatory screening levels between 5 and 10 feet. Groundwater grab samples did not have concentrations of these compounds above analytical detection limits of 50 micrograms per Liter (ug/L). This condition does not present a risk to human health or the environment under current conditions and the impacts may not be considered by regulators as requiring enforcement action; however, the elevators remain in use and equipment could further deteriorate if not repaired and soil impacts could expand if not cleaned up. **The JC Penney elevators represent a *REC* on the Subject Property.**

### **Offsite RECs**

This Phase I ESA has revealed the following offsite *RECs* in connection with the Subject Property:

- **23991 El Toro Road**

**A Chevron gasoline station** is located at the west corner of El Toro Road and Avenida De La Carlota, adjacent to the north (upgradient) of the Subject Property. This gasoline station is located adjacent to the In-N-Out Burger/King's Fish House. The Site is listed multiple times on the HIST UST, CERS, UST, LUST, and HIST CORTESE databases and also on the SWEEPS UST, SEMS-ARCHIVE, RCRA NONGEN/NLR, CORTESE, ENF, CERS HAZ WASTE, CERS TANKS, HAZNET, CIWQS, HWTS, CA FID UST, and EDR HIST AUTO databases. The databases indicate that the facility is an open leaking underground storage tank (LUST) case, with a fuel release that has impacted soil and groundwater. Review of reports available on GeoTracker, indicate that MTBE, a fuel oxygenate, and naphthalene, a polycyclic aromatic hydrocarbon, have impacted and remain in groundwater monitoring wells on the Subject Property (Atlas, 2020; *Appendix J*). Additionally, a low potential vapor encroachment condition (VEC) exists due to the proximity of the adjacent active LUST site and known groundwater impacts at the Subject Property. However, based on the low concentrations of the constituents of

concern identified in the on-site monitoring wells, it is unlikely that indoor air quality inside the existing Subject Property structures would pose a risk to human health. The case was reviewed in December 2019 by the State Water Resources Control Board (SWRCB) and was found to meet all the required criteria for Low-Threat Underground Storage Tank (UST) Case Closure Policy. The SWRCB's recommendation included two additional semi-annual monitoring events to confirm groundwater plume stability and then reevaluation for case closure. Since groundwater sampling in the last half of 2019 indicates groundwater beneath the Subject Property remains impacted, **the adjacent Chevron gasoline station represents an off-site *REC* on the Subject Property.**

### **Historical Recognized Environmental Conditions (*HRECs*)**

As defined by ASTM, an *HREC* is: "a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

This Phase I ESA has revealed no *HRECs* in connection with the Subject Property.

### **Controlled Recognized Environmental Conditions (*CRECs*)**

As defined by ASTM, a *CREC* is: "a *REC* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

This Phase I ESA revealed the following *CRECs* on the Subject Property:

- Two Leaking Underground Storage Tank (LUST) sites associated with gas stations north of the Subject Property were identified during this Phase I ESA located at 24081 and 24082 El Toro Road. Both cases were closed with remaining contamination shown to extend onto the Subject Property. Current conditions are not known and should be considered in preparation for management of groundwater in accordance with environmental and 2017 South Orange County's Hydromodification Requirements should it be affected or encountered during redevelopment. Additional information pertaining to these properties is provided in Section 3.

## **Notable Findings**

Findings that are not *RECs*, *HRECs*, or *CRECs*, but do have some potential to affect the Subject Property in the context of environmental due diligence are identified as *Notable Findings* for the purpose of this report.

This Phase I ESA has revealed the following *Notable Findings* in connection with the Subject Property:

- **Former Sears Auto Center:** The former Sears Auto Center was a vehicle maintenance facility on the south side of the Subject Property that was decommissioned in 2014. Evaluations of soil gas, soil, and groundwater were completed in 2015 and 2016. Detected PCE concentrations in soil gas ranged from 0.385 ug/L to 1.89 ug/L. Ethylbenzene was detected in one soil gas sample and xylenes were detected in three soil gas samples. Concentrations of total petroleum hydrocarbons as gasoline-range organics (TPH-g) detected in soil gas ranged from 2.68 ug/L to 51.0 ug/L; however, volatile constituents such as benzene and toluene were not detected. Detected PCE concentrations in soil ranged from 0.0010 mg/kg to 0.0055 mg/kg. The report concludes that all primary sources of new/waste oil, gasoline, and solvents had been removed from the site. These compounds were not detected in groundwater samples from seven locations in and around the facility. There was one location on surface concrete identified with elevated lead that should be properly removed and disposed during the redevelopment.

TOR recommended a soil management plan be prepared for the planned redevelopment of the former Sears Auto Center site to identify, isolate and remove impacted soil and concrete as well as redistribute other soils in compliance with regulatory issues like South Orange County's Hydromodification Requirements. The historic presence of the Sears Auto Center on the Subject Property is considered a *Notable Finding*.

- **Laguna Hills Cleaners:** The former Laguna Hills Cleaners at 23521 Calle De La Louisa (currently Nordstrom Rack/Body Works Gym & Spa) was formerly located on the western portion of the Subject Property. The dry-cleaning business reportedly ceased operating in 1994 and the building was demolished as a part of a redevelopment of the parcel in 2003. The earth work completed in preparation for the new structure (Nordstrom Rack/Body Works Gym & Spa) involved extensive excavation, soil mixing, soil redistribution and re-grading of the soil beneath the former cleaner. Dry cleaning impacts to soil were not documented in the historic information reviewed during the completion of this Phase I ESA. In June 2016, TOR conducted a groundwater investigation on the south end of Subject Property and cross- to downgradient from the former location of the dry-cleaning facility. The results of the investigation revealed that the groundwater downgradient of the former dry cleaners did not contain any volatile organic compounds (VOCs) above the laboratory reporting limits. The potential for the historic Laguna Hills Cleaners to have impacted soil and groundwater beneath the

Subject Property appears low. Redevelopment soil management plans for this area should address further evaluation of this former source to comply with residential standards as well as South Orange County's Hydromodification Requirements to mitigate potential issues. The presence of the former dry cleaner is considered a *Notable Finding*.

- **Macy's building:** The former Macy's building at 24100 Laguna Hills Mall (currently Open Market OC) contains elevators that have the potential to leak hydrocarbon oils into the adjacent soil and groundwater. These oils in soil at depth are not a health risk and are not considered highly mobile in the subsurface, although in some instances they can impact groundwater. California's Health and Safety Code 25250.4 requires that used oil of any kind be managed as a hazardous waste. Used oil itself (not mixed with anything else) is not deemed a listed hazardous waste by the United States EPA. Nevertheless, the Macy's elevators have yet to be evaluated. Soil management during redevelopment is recommended to address impacted soil as appropriate based on findings during excavation. The presence of the elevators is considered a *Notable Finding*.
- **Asbestos-containing Materials (ACMs) Identified Onsite:** Historical asbestos surveys have identified the presence of asbestos in various building materials within the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall) existing structures. The evaluation of the current presence or condition of asbestos-containing materials was outside of the scope of this Phase I ESA; however, the historical presence of asbestos-containing building materials onsite is considered a *Notable Finding*.

## Recommendations

Based on the conclusions provided above, TOR recommends further investigation, management, and cleanup of soil and groundwater in accordance with environmental regulations, including compliance with the 2017 Regional Water Quality Control Board Hydromodification Requirements, when addressing these identified issues:

- Just Tires and Firestone auto maintenance facilities include underground hydraulic lifts, underground oil/water clarifiers, suspect underground storage tanks, new/waste oil storage, solvent stations, oil filter storage, and battery storage.
- JC Penney building elevators were evaluated and have leaked hydraulic oil impacting adjacent soil.
- Macy's building has passenger and freight elevators that have not yet been assessed for leakage.
- Chevron gasoline station, adjacent and upgradient at 23991 El Toro Road, is an open LUST case. Groundwater beneath the Subject Property remains impacted by low concentrations of fuel hydrocarbons.

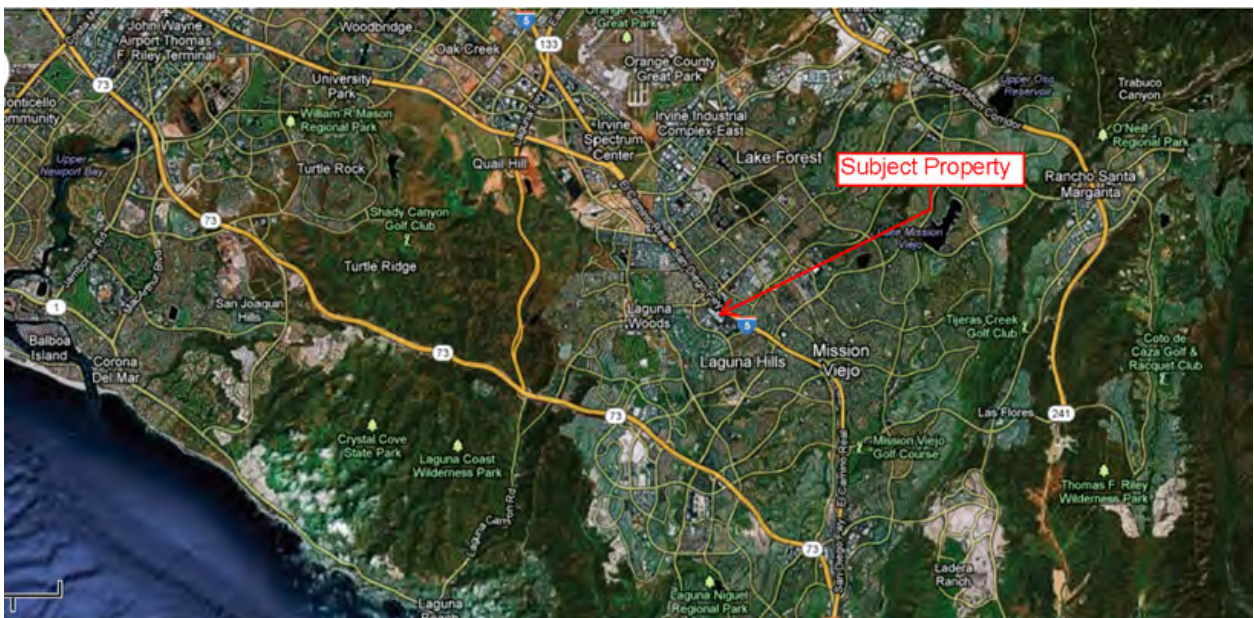


## Section 1: Introduction

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TÖR Environmental, Inc. (TOR) was retained by Glaser Weil Fink Howard Avchen & Shapiro LLP (Glaser Weil) on behalf of Merlone Geier Management, LLC (MGM) to prepare a Phase I Environmental Site Assessment (Phase I ESA) for the Village at Laguna Hills Mixed Use Redevelopment, located at 24099, 24100, 24155, 24196, 24200 and 24300 Laguna Hills Mall; 24001 Avenida De La Carlota; 23541 Calle De La Louisa; and 24032 El Toro Road, Laguna Hills, California (*Illustrations 1, 2 and 3*). For the purpose of this report, the referenced retail parcels will be referred to as the “Subject Property”. The Subject Property is identified by sixteen (16) Orange County Assessor parcel numbers (APNs) 621-051-39, 621-051-41, 621-141-58, and 621-221-02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, and -14 (Orange Co Assessor, 2019). The Subject Property includes approximately 67.6 acres of land improved with commercial retail buildings. At the time of the site reconnaissance, the mall was undergoing major renovation activities. The Subject Property was formerly called Five Lagunas and, before that, Laguna Hills Mall.

This Phase I ESA was conducted on behalf of Glaser Weil and MGM as part of a proposed mixed-use redevelopment consisting of retail, hospitality, office, and residential land uses. Glaser Weil and MGM will be the “User” of the resulting report, as defined in American Society of Testing and Materials (ASTM) E1527-13 standard practice for environmental site assessments and both will be referred to as the User throughout this report. This Phase I ESA will provide the User with a baseline understanding of environmental conditions present at the Subject Property using the guidelines set forth ASTM E1527-13.



**Illustration 1. Site Location Vicinity Map**





***Illustration 2. Subject Property Parcels (OC Survey Public Works, 2020).***





**Illustration 3. Subject Property Layout**

## 1.1 Purpose

The purpose of this Phase I ESA is to identify recognized environmental conditions (“RECs”), historical recognized environmental conditions (“HRECs”), and controlled recognized environmental conditions (“CRECs”), as defined by ASTM E1527-13 that may have affected the Subject Property.

As defined by ASTM, a *REC* is “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions.”

As defined by ASTM, a *de minimis* condition is “a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* conditions are neither *RECs*, *HRECs*, nor *CRECs*.

As defined by ASTM, an *HREC* is: “a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).”

As defined by ASTM, a *CREC* is: “a *REC* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).”

Findings that are not *RECs*, *HRECs*, or *CRECs*, but do have some potential to affect the Subject Property in the context of environmental due diligence are identified as *Notable Findings* for the purpose of this report.

The work was conducted pursuant to authorization to proceed with the project dated 21 January 2020 from Mr. David Geiser of Merlone Geier Management, LLC.

## 1.2 Detailed Scope of Services

### 1.2.1 Phase I ESA

The Phase I ESA was conducted in general accordance with the United States Environmental Protection Agency (USEPA) All-Appropriate Inquiry (AAI) rule (40 CFR, Part 312) as described in the ASTM E1527-13 standard practice for environmental site assessments. At a minimum, the following activities were performed to accomplish the Phase I ESA objectives:

- **Subject Property Reconnaissance** – A visual and physical observation of the Subject Property was conducted in readily accessible areas to identify *RECs*, *HRECs*, *CRECs*, or *Notable Findings* associated with environmental conditions. Additionally, visual observations of adjoining properties were made from the vantage point of the Subject Property as well as from public right-of-ways to assess the potential impact of these properties on the Subject Property.
- **Subject Property Representative Interview** – An interview was conducted with individuals knowledgeable and familiar with the Subject Property.



- **Environmental Lien Search** – An environmental lien is a charge, security, or encumbrance on a property's title to secure payment of cost or debt arising from response actions, cleanup, or other remediation of hazardous substances or petroleum products. An environmental lien and use limitations (AUL) search was conducted by Environmental Data Resources, Inc. (EDR) for the Subject Property in May 2017. No environmental liens or AULs were identified for the Subject Property. The User provided an ALTA Commitment for Title Insurance issued by First American Title dated 12 June 2020. The title report does not report a lien against the Subject Property.
- **Online Agency Records Review** – Available environmental reports, agency records (state and local agencies), and appropriate permits were reviewed to identify reported environmental concern or incident associated with the Subject Property.
- **Historical Research** – At a minimum, readily available sources of historical information related to the Subject Property and adjoining properties were researched to identify historical land use practices that have the potential to adversely impact environmental conditions at the Subject Property. Sources of historical information to help identify *RECs*, *HRECs*, *CRECs* or *Notable Findings* in connection with the Subject Property include historical aerial photographs, historical topographic maps, Sanborn Fire Insurance Maps, city directories, and building permit records.
- **Government Database Review** – Published governmental federal and state databases were reviewed to identify properties within ASTM-specified radii of the Subject Property with a reported environmental concern or incident. TOR subcontracted the compilation of government database search to Environmental Data Resources, Inc. (EDR).
- **Report Preparation** – This written summary of the findings and recommendations of the Phase I ESA was prepared.

### 1.3 Environmental Professional Qualifications

This Phase I ESA was prepared by Jeffrey D. Borum (Geologist License No. 2902) of TOR. Mr. Borum has a Bachelor of Science degree in Earth Science, a Master of Science degree in Geology, and is a California Professional Geologist with more than 30 years of professional experience. Mr. Borum meets the qualifications for an environmental professional as stated in ASTM E1527-13.

### 1.4 Limitations and Exceptions

This Phase I ESA is based on review of readily available environmental records, results of limited interviews, and visual observations of recent Subject Property conditions. The collection or analysis of environmental samples, surveys regarding the presence of asbestos, radon, heavy metal-based paints, or compliance of individual property operations with environmental regulations were excluded during this Phase I ESA. This assessment was not intended to be a comprehensive inspection or assessment of all conditions that might exist at the Subject Property. Findings were developed based on our professional opinion and do not represent a

warranty, guarantee, certification, or positive assertion as to the presence, absence, or extent of potential contamination. TOR's activities were conducted in accordance with practices and procedures generally accepted in the consulting field. TOR's services were limited to those specified in our proposal, which was accepted and authorized by Glaser Weil and MGM.

## 1.5 Special Terms and Conditions

This report represents TOR's professional opinion and judgment, which are dependent upon information obtained during performance of consulting services. Environmental conditions may exist at the Subject Property that cannot be identified by visual observations or were obscured from view by vegetation, poor lighting, or other materials during TOR's visit to the Subject Property. TOR's conclusions were based in part on information supplied by others, the accuracy or sufficiency of which has not been independently reviewed by TOR. No investigation can be thorough enough to exclude the presence of hazardous materials at a given Subject Property; therefore, if no hazardous materials are identified during an assessment, such a finding should not be construed as a guarantee of the absence of such materials on the Subject Property, but rather the results of services performed within project scope, cost, schedule, and other limitations.

Any opinions presented apply to the Subject Property conditions at the time of performance of services and do not address the potential for future releases. Changes in applicable environmental standards, practices, or regulations may occur following performance of services, which could impact the opinions presented.

## 1.6 Reliance

This report is intended for the sole use of Glaser Weil, MGM and affiliates of MGM. If other parties wish to rely on this report, please have them contact TOR so that a mutual understanding and agreement of the terms and conditions for our services can be established prior to their use of this information.

## Section 2: Subject Property Description

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The following section provides information about the Subject Property, such as its ownership, general description, environmental setting, current property usage, and also describes the general uses of the adjoining properties and surrounding area.

### 2.1 Property Owner Information

Title to the Subject Property is vested in MGP Fund X Laguna Hills, LLC, a Delaware limited liability company, as to Parcels 1, 2, and 4, and in MGP X LH Residential, LLC, a Delaware limited liability company, as to Parcel 3 (APN 621-051-41 only). Parcels 1, 2, 3, and 4 are described in Exhibit A of a 12 June 2020 First American Title Report (First American, 2020). The Subject Property is identified by Orange County Assessor Parcel Numbers (APNs) 621-051-39, 621-051-41, 621-141-58, and 621-221-02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, and -14 (Orange Co Assessor, 2019). The correlation between the title report parcel numbers, APNs, and property owner is listed in the following table:

<b>Title Report* Parcel Number</b>	<b>APNs</b>	<b>Vested In</b>
1	621-221-02 through -14	MGP Fund X Laguna Hills, LLC
2	621-051-39	MGP Fund X Laguna Hills, LLC
3	621-051-41	MGP X LH Residential, LLC
4	621-141-58	MGP Fund X Laguna Hills, LLC

\*First American Title Report dated 6-12-2020

### 2.2 Subject Property Description

The Subject Property consists of sixteen (16) contiguous tax assessor parcels constituting the Village at Laguna Hills Mixed Use Redevelopment situated southeast of El Toro Road and southwest of Avenida De La Carlota. It includes and extends northwest of Calle De Los Caballeros and includes and extends northeast of Calle De La Louisa and portions of Ronda Del Rossmoor (*Illustrations 1, 2, and 3*). The ten buildings currently present on the Subject Property are located on approximately 67.6 acres of land. The buildings provide retail shopping, restaurant, and other services for the surrounding residential community. At the time of the site reconnaissance, the mall was undergoing major renovation activities. The businesses currently operating on the Subject Property along with their respective locations are listed in the table below and shown on *Illustration 3*.

**Current Village at Laguna Hills Commercial Tenants**

<b>Business Name</b>	<b>Ste./Address</b>	<b>Business Name</b>	<b>Ste./Address</b>
Just Tires	24099 Laguna Hills Mall	Construction Office (Former Sears Auto Center)	24300 Laguna Hills Mall
Open Market OC (Former Macy's)	24100 Laguna Hills Mall	Kings Fish House In-N-Out	24001 Avenida De La Carlota
Baroni Tailoring & Cleaners, California Pizza Kitchen, Ruby's Diner, Subway, Woodfire Kabob	24155 Laguna Hills Mall	Nordstrom's Rack	23541 Calle De La Louisa, Suite A
Firestone Complete Auto Care	24196 Laguna Hills Mall	Body Works Gym & Spa	23541 Calle De La Louisa, Suite B
Maiselle Furniture & Mattress (Former JC Penney)	24200 Laguna Hills Mall	BJ's Restaurant	24032 El Toro Road

Most of these businesses are not of the type that historically have stored, distributed or disposed of small or large quantities of hazardous wastes unless such material was included in a retail product the store was selling and had to be disposed because it was damaged or expired. As observed during site reconnaissance, hydraulic oils in trash and cardboard compactors/bailers are present (see *Section 7*). Staining observed on concrete and asphalt pavement at the base of compactors and waste grease containers and refuse dumpsters were typically *de minimis* in nature and extent. However, potential environmental conditions that have yet to be evaluated were identified in three general areas of the Subject Property and are discussed in more detail in Sections 3, 5, and 7 of this report:

- Just Tires Automotive Center (standalone building): During the site walk an oil-water separator and in-ground lifts were observed present.
- Firestone Complete Auto Care Center (standalone building).
- Former Macy's passenger and freight elevators.

## 2.3 Adjacent Properties and Surrounding Vicinity

A generalized description of the adjacent land use for the Subject Property is as follows:

**North:** The north side of the Subject Property is bound by El Toro Road and Avenida De La Carlota; followed by Laguna Hills Civic Center and Retail Shops (24031 – 24085 El Toro Road), Chick-Fil-A (24011 El Toro Road), Total Wine & More and Ashley Furniture (24001 El Toro Rd), Chevron (23991 El Toro Road), Raising Canes Restaurant (23971 El Toro Road), a retail center

(23972 – 24012 Avenida De La Carlota) and the I-5 Freeway. The current adjacent civic center and retail occupants are not listed on the environmental databases and exhibit a low potential to cause soil or groundwater contamination at the Subject Property. The adjacent Chevron gasoline station and Raising Canes Restaurant (former Shell gasoline station) are listed in several databases and are further discussed in Section 3.

**East:** The east side of the Subject Property is bound by Avenida De La Carlota, followed by the I-5 Freeway. The current adjacent freeway corridor use exhibits a low potential to cause soil or groundwater contamination at the Subject Property.

**South:** The south side of the Subject Property is bound by Calle De Los Caballeros and Calle De La Louisa; followed by an Orange County Transit Authority (OCTA) Bus Transit Center, Villa Valencia Senior Living (24552 Paseo De Valencia), Oakbrook Village Shopping Center (24261 – 24321 Avenida De La Carlota), Laguna Hills Healthcare Center & Medical Offices (24001-24452 Health Center Drive), Saddleback Memorial Medical Center (24411-24451 Health Center Drive), and Bank and Office Buildings (24221 Calle De La Louisa and 23961 Calle De La Magdalena). The adjacent medical, office and retail parcels exhibit a low potential to cause soil or groundwater contamination at the Subject Property.

**West:** The west side of the Subject Property is bound by a 76 gasoline station (24082 El Toro Road), Banks and Office Buildings (23511-23521 Paseo De Valencia and 24181 Ronda Del Rossmoor), Bank and Office Buildings (24221 Calle De La Louisa and 23961 Calle De La Magdalena), Saddleback Memorial Medical Center (24411-24451 Health Center Drive), and Laguna Hills Healthcare Center & Medical Offices (24001-24452 Health Center Drive). The adjacent 76 gasoline station is listed in several databases and is further discussed in Section 3.

*Illustration 4* shows adjacent land use.





**Illustration 4. Land Use Adjacent to the Subject Property**

## 2.4 Environmental Setting

This section describes the geologic and hydrogeologic features in the region surrounding and beneath the Subject Property.

### 2.4.1 Regional Geology

According to the EDR GeoCheck (*Appendix A*), the center of the Subject Property is located at 33.6108390 north latitude and 117.7072020 west longitude and is at a topographic elevation of 354 feet above mean sea level (msl). The regional and local topographic gradient is to the south-southwest.

The Subject Property is located in the Peninsular Ranges physiographic province of California, which consists of Quaternary alluvial materials (California Geological Survey, Geologic Map of California, 1979). The site is mostly underlain by Sorrento loam (well drained, depth to approximately 72 inches), Balcom clay loam (well drained, depth to approximately 38 inches), Myford sandy loam (moderately well drained, depth to approximately 79 inches), and Calleguas clay loam (well drained, depth to approximately 18 inches) (USDA NRCS, EDR Radius Report).

#### *2.4.2 Hydrogeologic Information*

The subject property is located within the Aliso Creek Watershed of Orange County. This drainage area covers approximately 36 square miles and reaches the Pacific Ocean in southern Laguna Beach.

Groundwater sampling associated with the adjacent Chevron gasoline station to the north, conducted by Atlas Environmental Engineering, Inc. during the fourth quarter of 2016 at monitoring wells both adjacent to the north of the Subject Property and within the north west portion of the Subject Property, indicate a groundwater depth beneath and nearby the Subject Property ranging from 11.65 to 21.50 feet below ground surface (bgs), with a flow generally towards the west (Atlas, 2017). Historically, groundwater in the vicinity of the Subject Property has flowed to the south-southwest towards Aliso Creek. Groundwater monitoring information near the northeast corner of the subject property indicates flow towards the south and southeast.

### 2.5 Public Water Wells

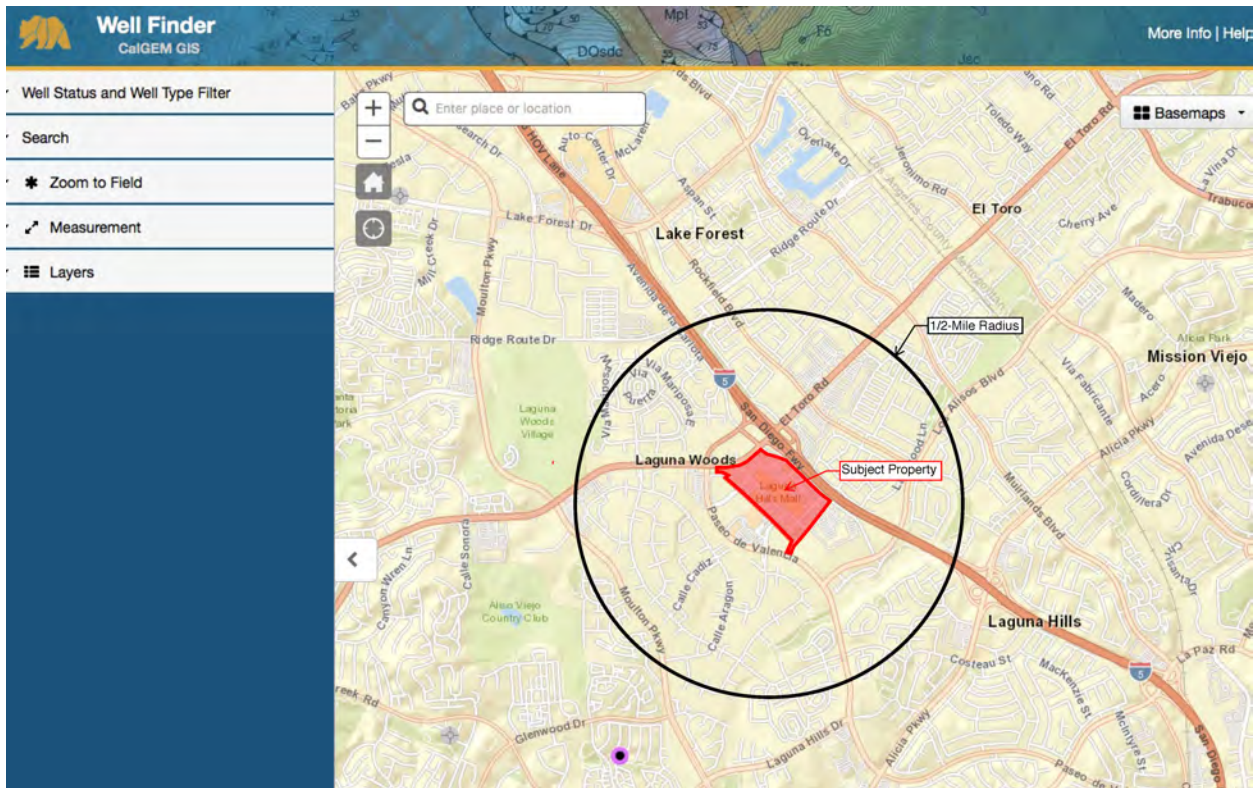
According to the “EDR Geocheck” (*Appendix A*), Federal United States Geological Survey (USGS) well information lists no groundwater wells within a mile of the Subject Property. The Federal FRDS Public Water Supply System Information lists one public water supply well from 1/8 to 1/4 mile west (crossgradient) of the Subject Property.

No State of California wells are indicated on the database listing.

### 2.6 Oil and Gas Wells

The “EDR GeoCheck” (*Appendix A*) state oil/gas well information lists no permitted oil or gas wells within a one-mile radius of the Subject Property. TOR’s review of the California Department of Conservation’s Geologic Energy Management Division (CalGEM) Well Finder website indicates no permitted oil, gas or geothermal wells are located within a 1/2 mile radius of the Subject Property (*Illustration 5*).





**Illustration 5. California Geologic Energy Management's map showing no oil wells within 1/2 mile of the Subject Property.**



## Section 3: Government Database Review

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A review of federal, state, and tribal environmental databases related to the Subject Property and surrounding area in accordance with ASTM E1527-13 search radius was conducted to identify potential *RECs*, *HRECs*, *CRECs*, and *Notable Findings*. Properties listed have, or might have, the potential for existing or future site contamination, environmental liabilities, or the potential for contamination migration to surrounding areas. Information from these various databases was compiled by EDR and presented in the Radius Map Report (*Appendix A*).

Government database listings reviewed during this Phase I ESA included, but were not limited to:

- USEPA National Priorities List (NPL) within a 1-mile radius;
- USEPA Comprehensive Environmental Response, Compensation, and Liability Information System, which was converted to the Superfund Enterprise Management System (SEMS), sites within a 1/2-mile radius;
- USEPA Comprehensive Environmental Response-No Further Remedial Action Planned (SEMS-ARCHIVE) sites within a 1/2-mile radius;
- USEPA Corrective Action Report (CORRACTS) sites within a 1-mile radius;
- USEPA Resource Conservation and Recovery Act-Treatment, Storage, and Disposal Facilities List (RCRA-TSDF) sites within a 1/2-mile radius;
- USEPA RCRA-Large Quantity Generator (RCRA-LQG) within a 1/4-mile radius;
- USEPA RCRA-Small Quantity Generator (RCRA-SQG) within a 1/4-mile radius;
- USEPA RCRA-Very Small Quantity Generator (RCRA-VSQG) within a 1/4-mile radius;
- USEPA RCRA Non-Generators (RCRA NonGen/NLR) that do not presently generate hazardous waste within a 1/4-mile radius;
- USEPA Facility Index System/Facility Registry System (FINDS) for the Subject Property only;
- USEPA Emergency Response Notification System (ERNS) sites for the Subject Property only;
- California EnviroStor Database (ENVIROSTOR) sites within a 1-mile radius;
- California Calsites Database (HIST CAL-SITES) sites within a 1-mile radius;
- California Bond Expenditure Plan (CA BOND EXP. PLAN) sites within a 1-mile radius;
- California Waste Management Unit Database System (WMUDS/SWAT) within a 1/2-mile radius;
- California Cortese (CORTESE) within a 1/2-mile radius;

- California Leaking Underground Storage Tank (LUST) within a 1/2-mile radius;
- California Facility Inventory UST Database (CA FID UST) within a 1/4-mile radius
- California Spills, Leaks, Investigation and Cleanups (CPS-SLIC) sites within a 1/2-mile radius;
- California Underground Storage Tanks (UST) within a 1/4-mile radius;
- California Aboveground Storage Tanks (AST) within a 1/4-mile radius;
- California Hazardous Substance Storage Container (HIST UST) within a 1/4-mile radius;
- California Statewide Environmental Evaluation and Planning System (SWEEPS UST) within a 1/4-mile radius;
- California Hazardous Material Incident Report System (CHMIRS) for the Subject Property only;
- California 65 Notification Records (NOTIFY 65) within a 1-mile radius;
- California Voluntary Cleanup Program Properties (VCP) within a 1/2-mile radius;
- California Cleaners (DRYCLEANERS) within a 1/4-mile radius;
- California Air Pollution Control District, Air Emissions Inventory Data (EMI) for the Subject Property only;
- National Pollution Discharge Elimination System (NPDES) Permits Listing for the Subject Property only;
- Enforcement and Compliance History Information (ECHO) for the Subject Property only; and
- California Facility and Manifest Data (HAZNET) for the Subject Property only;
- California Integrated Water Quality System Project (CIWQS) for the Subject Property only;
- California Environmental Protection Agency Environmentally Regulated Sites and Facilities (CERS) for the Subject Property only;
- California Environmental Protection Agency Regulated Site Agency which fall under the Hazardous Chemical Management, Hazardous Waste Onsite Treatment, Household Hazardous Waste Collection, Hazardous Waste Generator, and RCRA LQ HW Generator programs (CERS HAZ WASTE) within a 1/4-mile radius;
- California Department of Toxic Substances Control Hazardous Waste Tracking System (HWTS) for the Subject Property only;
- EDR Proprietary Records (EDR HIST AUTO and EDR HIST CLEANER); and
- Other Ascertainable Records as detailed in *Appendix A*;

The full list of databases compiled, along with definitions for each, is included in *Appendix A*. The database listings record activities associated with hazardous substances but are not of themselves indicative of contamination or the threat of contamination. Topography analyses suggest that groundwater flows to the southwest under the Subject Property. Sites located hydraulically crossgradient or downgradient or in areas separated from the Subject Property by a topographic ridge or river channel (drainage divide) in relation to the Subject Property are not necessarily discussed in the report but are included in *Appendix A*.

### 3.1 Subject Property Summary

The Subject Property was listed on the following environmental databases searched as a part of this Phase I ESA (*Appendix A*).

#### **24099 Laguna Hills Mall (currently Just Tires)**

**Site B25, Goodyear Auto Service Center #8662**, is included on the RCRA NONGEN/NLR database. This database listing is for facilities that are no longer regulated or no longer generate hazardous wastes. The business is no longer at this location; however, the location is occupied by Just Tires another automobile servicing business. The database listing does not indicate a release to soil or groundwater beneath the Subject Property.

**Sites B28 & B60, Goodyear Auto Service Center #8662**, is included on the FINDS and ECHO databases. These databases track general environmental information from multiple sources and provide pointers to other related and more detailed information concerning these activities. The database listings do not indicate a release to soil or groundwater beneath the Subject Property.

**Site B31, 1X Goodyear Auto Service Ctr #9377**, is included on the HAZNET and HWTS databases. The HAZNET listing reports waste disposal records between 1991 and 1994 of unspecified organic liquid mixture wastes were removed from the facility under manifest procedures. The business currently at this location is Just Tires. Just Tires performs auto maintenance and sells new tires.

**Site B43, Broadway Tire Center 9377**, is included on the HIST UST database. The historical UST listing describes one 100-gallon waste oil UST installed at the facility at an unknown date. Additional information was not available at the time of this assessment. Because facilities and activities historically and currently associated with the location are a *REC* for the Subject Property, further evaluation for the presence of an UST is appropriate. The UST is not listed on current UST databases reviewed for this location.

**Site B59, Goodyear Auto Service Center #8662**, is included on the CERS HAZ WASTE, HAZNET, CERS, and HWTS databases. These listings document the removal, transport and disposal of various hazardous wastes from this former business or they point to other regulatory information and listings that report these activities.

**Just Tires**, the current business at 24099 Laguna Hills Mall and formerly listed under several other names has been an auto repair/service facility for more than three decades. During the site walk an oil-water separator and in-ground lifts were observed present. **The Just Tires business has the potential to have had a release to soil and groundwater and is a REC on the Subject Property.**

**24100 Laguna Hills Mall (currently Open Market OC)**

**Site B22, Macy's Laguna Hills 529**, is included on the FINDS and ECHO databases. No information pertaining to this listing was available. These databases track general environmental information from multiple sources and provide pointers to other related and more detailed information. The database listings do not indicate a release to soil or groundwater beneath the Subject Property. This listing is likely associated with the transport and disposal of hazardous wastes generated by this business. The database listings do not indicate a release to soil or groundwater beneath the Subject Property.

**Site B23, The Broadway**, is included on the EMI database. The EMI listing is associated with the permits acquired by the South Coast Air Quality Management District in 1990. There were no reported violations.

**Sites B42 & B45, Macy's Laguna Hills 529/Macy's West Inc**, is included twice on the HAZNET and HWTS databases. These listings describe that in 1993, approximately 3.857 tons of oil/water separation sludge was removed from the facility. Also, between 2013 and 2014, approximately 3.8455 tons unspecified organic liquid mixture wastes were removed from the facility under manifest procedures. Review of site conditions did not reveal an oil/water separator associated with the Macy's building. City directories in 1992 listed the Broadway department store at 24100 Laguna Hills Mall associated with Broadway Goodyear at 24099 Laguna Hills Mall. This association appears correspond to the current Just Tires facility. The Broadway was sold to Federated Department Stores in 1995. Macy's was a retail department store and not suspected to be a generator of hazardous waste except for the disposal of damaged or expired retail products. This listing is likely associated with the transport and disposal of hazardous wastes generated by this business. The database listings do not indicate a release to soil or groundwater beneath the Subject Property.

**Site B48, Macy's Laguna Hills 529**, is included on the RCRA NONGEN/NLR database. The listing indicates the facility no longer generates hazardous substances and is no longer regulated. The database listings for 24100 Laguna Hills Mall do not indicate a release of hazardous substances to soil or groundwater and the potential for this site to impact environmental media beneath the Subject Property appears low and it is not identified as a REC for the Subject Property.

**24105 Laguna Hills Mall (not a current address)**

**Site B36, The Shoe Emporium**, is included on the HAZNET and HWTS databases. The HAZNET listing describes that in 1993, approximately 6.743 tons of asbestos-containing wastes were removed from the facility under manifest procedures. The listing likely represents removal of demolition of building materials during a remodel of the building. The database listing does not indicate a release of hazardous substances to soil or groundwater and therefore the potential for this site to impact environmental media beneath the Subject Property appears low and it is not identified as a *REC* for the Subject Property.

**24155 Laguna Hills Mall (currently the main mall building tenant addresses)**

**Site A1, California Pizza Kitchen #45 & Rubios Restaurants Store 108**, is included on the CIWQS and CERS databases. These businesses are not known to use, store or dispose of hazardous substances and do not represent a *REC* on the Subject Property.

**Site A2, Rubio's Restaurants, Inc. Store 108**, is included on the FINDS database, which notes an unspecified air emissions listing. This business is not known or suspected to use, store or dispose of hazardous substances and does not represent a *REC* on the Subject Property.

**Sites A3 & A19, Ritz/Kits Camera #940/Kits Camera #29**, is included on the HWTS and HAZNET databases. This listing describes that between 1994 and 1996, approximately 0.15 tons of photochemical/photoprocessing wastes were removed from the facility under manifest procedures. Although potentially hazardous, no listings indicating a spill or leak to soil or groundwater was noted and the business does not represent a *REC* on the Subject Property.

**Site A4, Ann Taylor S0492/Laguna Hills**, is included on the HAZNET and HWTS databases. This listing describes that in 2008 approximately 0.05 tons of oxygenated solvent waste was removed from the facility under manifest procedures. This retail clothing store is not known or suspected to use, store, or dispose of hazardous substances and listings reviewed do not indicate a release to soil or groundwater and does not represent a *REC* on the Subject Property.

**Sites A5, A7, A9, A10, A11, A14, & A21, Laguna Hills Mall/Wellspark Group Mgmt Co/Shopping Center Associates**, is included on the HWTS database. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate compliance with regulations for tracking wastes from cradle to grave. The listing does not indicate a *REC* on the Subject Property.

**Site A6, Five Lagunas**, is included on the NPDES, CIWQS, and CERS databases. These listings are related to permitting for construction activities and do not indicate a release to soil or groundwater and do not identify or confirm a *REC* on the Subject Property.

**Site A8, Photo Makers**, is included on the HWTS database. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate

compliance with regulations for tracking wastes from cradle to grave. The listing does not indicate a *REC* on the Subject Property.

**Sites A12 & A13, JC Penney Inc,** is included on the HAZNET and HWTS databases. This listing describes that in 2003 and 2004, approximately 7.37 tons of unspecified oil-containing wastes were removed from the facility under manifest procedures. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate compliance with regulations for tracking hazardous substances. This retail department store is not normally engaged in the use, storage, or disposal of hazardous substances beyond what might be associated with a retail products it sells. It is possible the listing refers to the current Firestone business associated with JC Penney. The listing does not indicate a *REC* on the Subject Property.

**Site A15, Southern California Edison Crater Sub Station,** is included on the HAZNET and HWTS databases. This listing describes that in 2010 approximately 2.128 tons of waste oil and mixed oil was removed from the facility under manifest procedures. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate compliance with regulations for tracking hazardous substances. The listing does not indicate a *REC* on the Subject Property.

**Sites A16 & A17, Lenscrafters #199,** is included on the HAZNET, HWTS, and FINDS databases. This listing describes that in 2012 approximately 0.006 tons of hazardous waste was removed from the facility under manifest procedures. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate compliance with regulations for tracking hazardous substances. The listing does not indicate a *REC* on the Subject Property.

**Site A18, Bath & Body Works #894,** is included on the HWTS database. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate compliance with regulations for tracking hazardous substances. The listing does not indicate a *REC* on the Subject Property.

**Site A20, 1X O'Connor Management,** is included on the HAZNET and HWTS databases. This listing describes that in 1993 approximately 112.092 tons of asbestos-containing waste was removed from the facility under manifest procedures. Likely these wastes are generated from the removal of asbestos containing building materials during remodeling/redevelopment. Inclusion on the Hazardous Waste Tracking System does not indicate a release to environmental media but does indicate compliance with regulations for tracking hazardous substances. The listing does not indicate a *REC* on the Subject Property.

**24196 Laguna Hills Mall (currently Firestone Complete Auto Care)**

**Sites B27 & B49, Firestone Store #27FF**, is included on the CERS HAZ WASTE, HIST UST, CA FID UST, CERS, and SWEEPS UST databases. The HIST UST listing describes one 500-gallon waste oil UST installed during 1975. The SWEEPS UST database identified one 550-gallon petroleum UST onsite from 1988 through 1992. The 500-gallon waste oil UST and the 550-gallon petroleum UST referenced by the HIST UST and SWEEPS UST databases may be the same UST or different USTs. No operational USTs were observed or reported during TOR's 2017 site walk of the Firestone facility. The facility includes two oil/water separators and several in-ground hydraulic lifts that have potential to leak and impact soil or groundwater. As such the business represents a *REC* on the Subject Property.

**Sites B33 & B51, Firestone Store #27JH/Firestone Complete Auto Care #2275**, is included on the FINDS database, which notes used oil and used oil filters. By itself the database does not indicate a likely leak or spill to soil or groundwater. Nevertheless, Firestone Complete Auto is a *REC* on the Subject Property.

**Sites B37, B40, & B52, Firestone Store #27JH/ Firestone Store #71T6/Firestone Complete Auto Care #2275**, is included three times on the HAZNET and HWTS databases. This listing describes that in 1998, 1999, 2000, 2006, 2009, 2010 2011, 2012, 2013, and 2014, various hazardous wastes were removed from the facility under manifest procedures. There were no reported violations. As discussed, the Firestone Store business is a *REC* on the Subject Property.

**Site B38, Firestone Complete Auto Care #2275**, is included on the RCRA NONGEN/NLR database as of 2011. The listing indicates the facility did not generate hazardous waste at the time of the filing. Waste oil, however, is a commonly generated waste at such facilities and waste oil is all considered a hazardous waste and must be managed as such. The Firestone Complete Auto Care business is considered a *REC* on the Subject Property.

**Site B55, The Tire Station**, is included on the UST database. No additional information pertaining to this listing was available. This listing may be associated with the Firestone facility. Firestone's UST was for waste oil associated with auto maintenance. It appears that that UST has been removed and ASTs were installed in replacement.

**24199 Laguna Hills Mall (not a current address)**

**Sites B30, B46, & B57, Time O Max 1 Hour Photo**, is included on the RCRA-SQG, FINDS, ECHO, HAZNET, and HWTS databases. These database listings describe this facility as a small-quantity generator of hazardous wastes with no reported violations. The listings do not indicate a *REC* on the Subject Property.



**24200 Laguna Hills Mall (currently Maiselle Furniture & Mattress)**

**Sites B24 & B58, JC Penney Store #1223**, is included on the FINDS and ECHO database. No information pertaining to this listing was available. The listings do not indicate a *REC* on the Subject Property.

**Site B35, JC Penney Store #1223**, is included on the EMI, HAZNET, and HWTS databases. The EMI listing is associated with the emissions of organic hydrocarbon gases emitted from the facility. The HAZNET listing describes that in 2014 and 2015 various hazardous wastes were removed from the facility under manifest procedures. The listings do not indicate a release to soil or groundwater and do not signal a *REC* on the Subject Property.

**Site B47, JC Penney Store #1223**, is included on the RCRA NONGEN/NLR database. The agency received the filing indicating the business was no longer a generator of hazardous waste in 2007. The listing does not indicate a release to soil or groundwater and does not signal a *REC* on the Subject Property.

**24291 Laguna Hills Mall (not a current address)**

**Site B54, Laguna Fiddler, Inc.**, is included on the EMI database. The EMI listing is associated with the permits acquired by the South Coast Air Quality Management District in 1990. There were no reported violations. TOR believes this is a listing for a restaurant business. Regardless its appearance on the database does not indicate a release or a *REC* on the Subject Property.

**24300 Laguna Hills Mall (currently a construction office)**

**Site B26, Sears #1548/6788**, is included on the HAZNET and HWTS databases. The HAZNET listing describes that in 2014 various hazardous wastes were removed from the facility in compliance with manifest procedures.

**Site B29, Sears #1548/6788/8278**, is included on the FINDS database. No information pertaining to this listing was available. This listing is likely associated with the generation of hazardous wastes at the facility.

**Site B32, Sears #1548/6788/8278**, is included on the AST database. Sears is listed as utilizing 1,320-gallons of oils stored in ASTs. There is no record of a release that has impacted soil or groundwater.

**Site B39, Sears Roebuck and Co**, is included on the HIST UST database. The historical UST listing describes one waste oil UST installed in 1973. This waste oil UST has been removed and soil and groundwater in the vicinity has been investigated and remediated and is discussed in more detail in *Section 5*.



**Site 44, Sears Unit Number 1548 and 8278**, is included on the FINDS and ECHO databases. This listing is likely associated with the generation of hazardous wastes at the facility.

**Site B56, Sears #6788/1548**, is included on the RCRA-LQG and HIST UST databases. Large quantity hazardous waste generation by Sears was consistent with operation of an auto service facility. Wastes included: batteries, flammable wastes, low pH wastes, lead-containing wastes, benzene-containing wastes, MEK-containing wastes, TCE-containing wastes, halogenated wastes, pesticide-containing wastes (toxaphene and chlordane), and acetone-containing wastes. A notice of violation is noted in the database from 1992 (corrected by 1994). The historical UST listing relates to the waste oil UST installed in 1973. This UST was subsequently removed and soil and groundwater in the immediate area of the UST were evaluated. The Sears Auto facility is discussed in more detail in Section 5 and it is not considered a *REC* on the Subject Property.

**24001 Avenida De La Carlota (currently King's Fish House/In-N-Out)**

**Site C34, Reuben's/Coco's/Grace Restaurant**, is included on the EMI database. The EMI listing is associated with the permits acquired by the South Coast Air Quality Management District in 1990. There were no reported violations. The listed business does not represent a *REC* on the Subject Property.

**23521 Calle De La Louisa (not a current address)**

**Sites F62, F64, & F74, Laguna Hills Cleaners**, is included on the DRYCLEANERS database and twice on the HAZNET and HWTS databases. This business is no longer present on the Subject Property. The permit is shown as inactive. The description states use of the perchloroethylene. The HWT listing shows it was created 1983 and went inactive in 1995. The single record reported is from 1983 with waste code indicating "Still bottoms with halogenated organics". The final listing in the City Directories for this business was in 1995 and the site was subsequently redeveloped with a new building in 2003. The building was demolished and re-graded prior to construction of the new building. Reports of encounter of impacted soil during grading were not found in available records reviewed and record of a release was not included in the environmental databases. Groundwater testing 650 feet southeast and downgradient of this former business did not reveal dry cleaning solvent waste impacts. Sites F62, F64 and F74 represent a *Notable Finding* on the Subject Property.

**Site F71, Morris Ralph**, is included on the EDR HIST CLEANER database. This business is listed between 1975 and 1979 when the listing terminates. In 1983 the EDR list changes names to Laguna Hills Cleaners discussed above and in Sections 4 and 5 of this report suggesting they operated successively at the same facility.

**23541 Calle De La Louisa (currently Nordstrom's Rack/Body Works Gym & Spa)**

**Sites G66, F73, & F75, Nordstrom Laguna Hills Rack 337/Nordstrom 337**, is included on the CERS HAZ WASTE, FINDS, ECHO, and RCRA NONGEN/NLR databases. These database listings indicate the retail apparel business does not generate hazardous waste. Local agency completed a compliance evaluation in 2018. No violations were found. The databases do not indicate a *REC* for the Subject Property.

**24032 El Toro Road (currently BJ's Restaurant)**

**Site D41, 1X First Interstate Bank of Calif**, is included on the HAZNET and HWTS databases. BJ's Restaurant & Brewhouse currently occupies the property. The databases are indicative of the transport of hazardous waste under manifest for disposal. Listings on these databases does not indicate a release to soil or groundwater and the site is not considered a *REC* on the Subject Property.

**Sites D50 & D53, BJs Restaurant/Gordon Beirsch Brewery Group**, is included on the CERS, HAZNET, and HWTS databases. The listing indicates transport and disposal of "aged or surplus organics" were disposed from this business and does not represent a *REC* on the Subject Property. Local agency also conducted a regulatory compliance evaluation and chemical inventory. No violations were identified. The inclusion of the business on these databases does not represent a *REC* for the Subject Property.

### 3.2 Surrounding Property Summary

The purpose of this portion of the assessment is to screen those sites in the vicinity of the Subject Property where hazardous substances have contaminated groundwater and evaluate their potential to impact the Subject Property based on the direction of groundwater flow. As such, government environmental databases are reviewed for information suggesting a potential for impact to the Subject Property. Where appropriate and available, background reports are reviewed and considered in the evaluation. Definitions for each of the database lists as well as further details, explanations and summaries are included above and in *Appendix A*. Facility information including location with respect to local topographic gradient are also provided.

Adjacent sites, nearby open sites, and sites located north and northeast of the Subject Property are assumed to be upgradient and are discussed further below. Sites to the south and west of the Subject Property are considered downgradient based on investigations completed at LUST sites. Those sites with releases to the subsurface or having features of concern (such as multiple USTs or dry-cleaning operations) are discussed further below. *Illustration 6* shows a map of the surrounding sites identified in the EDR Radius Map Report.

## **Intersection of El Toro Road and Avenida De La Carlota**

**(Subject Property is downgradient at the south corner of this intersection):**

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### **23971 El Toro Road (north corner)**

**Sites J131, J132, J133, J134, J135, J136, and J137: Laguna Hills Shell / Equilon Enterprises / Ashdon Development / Shell 4056-0207 / Shell Oil (currently a Raising Cane's restaurant):** is located at the north corner of El Toro Road and Avenida De La Carlota, adjacent to the north (upgradient) of the Subject Property. This location is north of the In-N-Out Burger / King's Fish House. The Site is listed multiple times on the LUST and UST databases, and on the EDR HIST AUTO, RCRA-VSQG, HIST UST, CA FID UST, CORTESE, HIST CORTESE, CERS, HWTS, and SWEEPS UST databases. The databases indicate that the facility is a closed LUST case, with a fuel release that has impacted soil and groundwater. SWRCB GeoTracker database shows the site was closed by Santa Ana Regional Water Quality Control Board in 2018. This listed business does not represent a *REC*.

### **23941 Avenida De La Carlota (unknown location)**

**Site 78: Home Federal Savings and Loan,** this address is not currently being used by adjacent sites, however, the number seems to indicate that it is north of El Toro Road and along the west side of Avenida De La Carlota, adjacent north (upgradient) of the Subject Property. This Site is listed on the LUST, CPS-SLIC, HIST CORTESE, and CERS databases; however, it is not shown on California Water Resources Control Board's GeoTracker database that tracks LUST properties. This listed business does not represent a *REC*.

### **23991 El Toro Road (west corner)**

**Sites J98, J99, J100, J101, J102, J103, J104, J105, J106, J107, and J108: G&M Oil Co Inc #40 / Trans-Tech Resources Inc. / Texaco / Wright Oil #9 / Wright Petroleum / FR Constructions / G&M Oil #40 / G&M Oil Company Inc (currently a Chevron gasoline station)** is located at the west corner of El Toro Road and Avenida De La Carlota, adjacent to the north (upgradient) of the Subject Property. This gasoline station is located adjacent to the In-N-Out Burger/King's Fish House. The Site is listed multiple times on the HIST UST, CERS, UST, LUST, and HIST CORTESE databases and also on the SWEEPS UST, SEMS-ARCHIVE, RCRA NONGEN/NLR, CORTESE, ENF, CERS HAZ WASTE, CERS TANKS, HAZNET, CIWQS, HWTS, CA FID UST, and EDR HIST AUTO databases. The databases indicate that the facility is an open LUST case, with a fuel release that has impacted soil and groundwater. Review of reports available on GeoTracker indicate that MTBE, a fuel oxygenate, has impacted and remains in groundwater monitoring wells on the Subject Property (Atlas, 2020; *Appendix I*).

Groundwater monitoring reporting indicates groundwater passing through this property occurs 9.81 feet below top of casing and flows generally southwesterly at an average gradient of 0.005 feet per foot. Groundwater is impacted with gasoline constituents including benzene and MTBE. Monitoring wells MW-18 and MW-19 are located on the Subject Property and testing

results from November of 2019 indicated MTBE concentrations of 15.3 and 18.4 micrograms per Liter (ug/L) respectively. Naphthalene was also detected in wells at 4.8 and 3.1 ug/L in MW-18 and MW-19, respectively. Other gasoline constituents were not detected above analytical detection limits. The site is being actively remediated on the property with air sparge ozone injection (Atlas, 2020, *Appendix I*).

Additionally, a potential vapor encroachment condition (VEC) exists due to the proximity of the adjacent active LUST site and known groundwater impacts at the Subject Property. However, based on the low concentrations of the constituents of concern identified in the on-site monitoring wells, it is unlikely that indoor air quality inside the Subject Property structures would pose a risk to human health. The case was reviewed in December 2019 by the State Water Resources Control Board (SWRCB) and was found that it meets all the required criteria for Low-Threat Underground Storage Tank (UST) Case Closure Policy. The SWRCB's recommendation included two additional semi-annual monitoring events to confirm groundwater plume stability and then reevaluation for closure. Since groundwater sampling in the last half of 2019 indicates groundwater beneath the Subject Property remains impacted, **the adjacent Chevron gasoline station represents an off-site REC for the Subject Property.**

**24012 Avenida De La Carlota (east corner)**

**Sites C81, C82, and C117: Arco #3079 / Former ARCO Facility No 3079 / Carlota Plaza (currently a retail center)** is located at the east corner of El Toro Road and Avenida De La Carlota, adjacent to the north (upgradient) of the Subject Property. The Site is listed twice on the LUST and HIST CORTESE databases as well as on the CORTESE and CERS databases. No reports are available on GeoTracker for this facility. Available database information indicates that gasoline impacted the groundwater, but the site received closure from the Santa Ana Regional Water Quality Control Board (SARWQCB) on 16 January 2004. The adjacent former ARCO gasoline station No 3079 is not an off-site REC on *the Subject Property*.

**Intersection of El Toro Road and Paseo De Valencia**

**(Subject Property is crossgradient and east/southeast of this intersection):**

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**24081 El Toro Road (northeast corner)**

**Sites L110, L111, L112, L113, L114, L115, and L116: Laguna Hills Chevron / Walgreens #4207 / Chevron / Chevron USA / William A Rash (currently a Walgreens pharmacy)** is located at the northeast corner of El Toro Road and Paseo De Valencia, adjacent to the northwest (upgradient/crossgradient) of the Subject Property. The site is listed multiple times on the LUST database and also on the UST, SWEEPS UST, RCRA NONGEN/NLR, CA FID UST, ORANGE CO INDUSTRIAL SITE, CORTESE, HIST CORTESE, CERS, CERS HAZ WASTE, HAZNET, HWTS, HIST UST, and EDR HIST AUTO databases. Review of reports available on GeoTracker indicate that TPHg, BTEX, and Fuel Oxygenates have impacted groundwater, including offsite downgradient wells (SAIC, 2005; *Appendix I*). Review of the most recent report (OCHCA, 2005) indicates that the site was granted low risk closure in 2005, with known

remaining impact to the onsite and downgradient offsite groundwater and can be classified under ASTM guidelines as a *CREC*. Current conditions are not known and should be considered in preparation for management of groundwater during redevelopment should it be encountered.

**24082 El Toro Road (southeast corner)**

**Sites D83, D84, D85, D86, D87, D88, D89, D90, D91, D92, & D93: GSE El Toro 255408 / Leisure World Unical 76 / Conoco Phillips #255408 / Unocal / Station #5408 / Union Oil Service Station #5408 / Unocal #5408 (currently a 76 gasoline station)** is located at the southeast corner of El Toro Road and Paseo De Valencia, adjacent to the west (crossgradient) of the Subject Property, adjacent to the BJ's Restaurant. The Site is listed multiple times on the UST, HIST UST, LUST, and CERS databases and also on the EDR HIST AUTO, CORTESE, SWEEPS UST, CERS HAZ WASTE, CA FID UST, CERS TANKS, HIST CORTESE, HWTS, and RCRA NONGEN/NLR databases. The databases indicate that the facility is a closed LUST case, with a fuel release that has impacted soil and groundwater. Review of reports available on GeoTracker indicate that TPHg, BTEX, and Fuel Oxygenates have impacted groundwater, including groundwater monitoring wells adjacent to the west Subject Property line (TRC, 2006 and 2007; *Appendix I*). Although the adjacent LUST case has been closed, sampling in 2006 and 2007 suggests that the groundwater beneath the Subject Property had been impacted and would be classified as a *CREC* under ASTM's definition. Current conditions are not known and should be considered in preparation for management of groundwater during redevelopment should it be encountered.

**24085/24087 El Toro Road (northwest corner)**

**Sites L119, L120, L121, and 148: ExxonMobil Oil Corporation #99384 / Charles Caserta / American Savings Bank / Charles Caserta Car Wash (currently a Bank building)** is located at the northeast corner of El Toro Road and Paseo De Valencia, adjacent to the northwest (downgradient/crossgradient) of the Subject Property. The Site is listed twice on the EDR HIST AUTO database and also on the RCRA NONGEN/NLR, LUST, CORTESE, HIST CORTESE, and CERS databases. Review of reports available on GeoTracker indicate that TPHg, BTEX, and Fuel Oxygenates have impacted the groundwater, including offsite downgradient wells. Review of the most recent report (OCHCA, 2004; *Appendix I*) indicates that the site was granted low risk closure in 2004, with known remaining impact to the onsite and downgradient offsite groundwater. Although the adjacent LUST case has been closed, historical data suggests that groundwater immediately upgradient of the Subject Property has been impacted and would be classified as a *CREC* under ASTM's definition. It does not appear, however, that impacted groundwater had migrated onto the Subject Property.

**24100 El Toro Road (southwest corner)**

**Site N145: Laguna Hills Unocal (currently a retail building)** is located at the southwest corner of El Toro Road and Paseo de Valencia, adjacent west of the 76 gasoline station and



west (crossgradient) of the Subject Property. The Site is listed on the EDR HIST AUTO database. The database indicates this location was a gasoline service station from 2009 to 2012. The business is not shown on the RWQCB GeoTracker website and no release to soil or groundwater was reported. This listed business does not represent a *REC*.

#### **Northeast of Interstate I-5 Freeway**

**(Subject Property is downgradient and south of these Sites)**

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##### **23891 Bridger Rd**

**Sites T166, T167, T168, T169, T170, and T171: Chevron USA Inc / Chevron Service Station #9-0141 / Imatah Inc / Chevron Inc (9-0141) / El Toro Chevron** is located at the west corner of El Toro Road and Bridger Road, northeast of the I-5 freeway. It is nonadjacent, but upgradient and 700 feet from the Subject Property. The Site is listed twice on CERS and UST databases and also on the HIST UST, LUST, SWEEPS UST, CORTESE, HIST CORTESE, CERS HAZ WASTE, CERS TANKS, HAZNET, HWTS, and RCRA NONGEN/NLR databases. GeoTracker lists the LUST case as "Completed – Case Closed as of 10/28/1990". This listed business does not represent a *REC*.

##### **23842/23852 El Toro Rd**

**Sites V175, V176, V177, V178, V179, V180, V187, V188, and V190: Exxon Service Station / Tesoro (USA) 68146 / Tesoro Shell #68156 / Exxon #7-4160 / Tesoro USA 68146 / USA Petroleum #825 / Jim Boyd Shell / Shell Oil / James P Boyd** is located on the south side of El Toro Road, northeast of the I-5 freeway. It is nonadjacent, but upgradient and 750 feet from the Subject Property. The Site is listed multiple times on the HIST UST, CERS, UST, SWEEPS UST, LUST, and CORTESE databases and also on the RCRA-SQG, FINDS, ECHO, CERS HAZ WASTE, CERS TANKS, HAZNET, HWTS, and ENF databases. GeoTracker lists the LUST case as "Completed – Case Closed as of 12/14/2005". This listed business does not represent a *REC*.

##### **24201 El Toro Road**

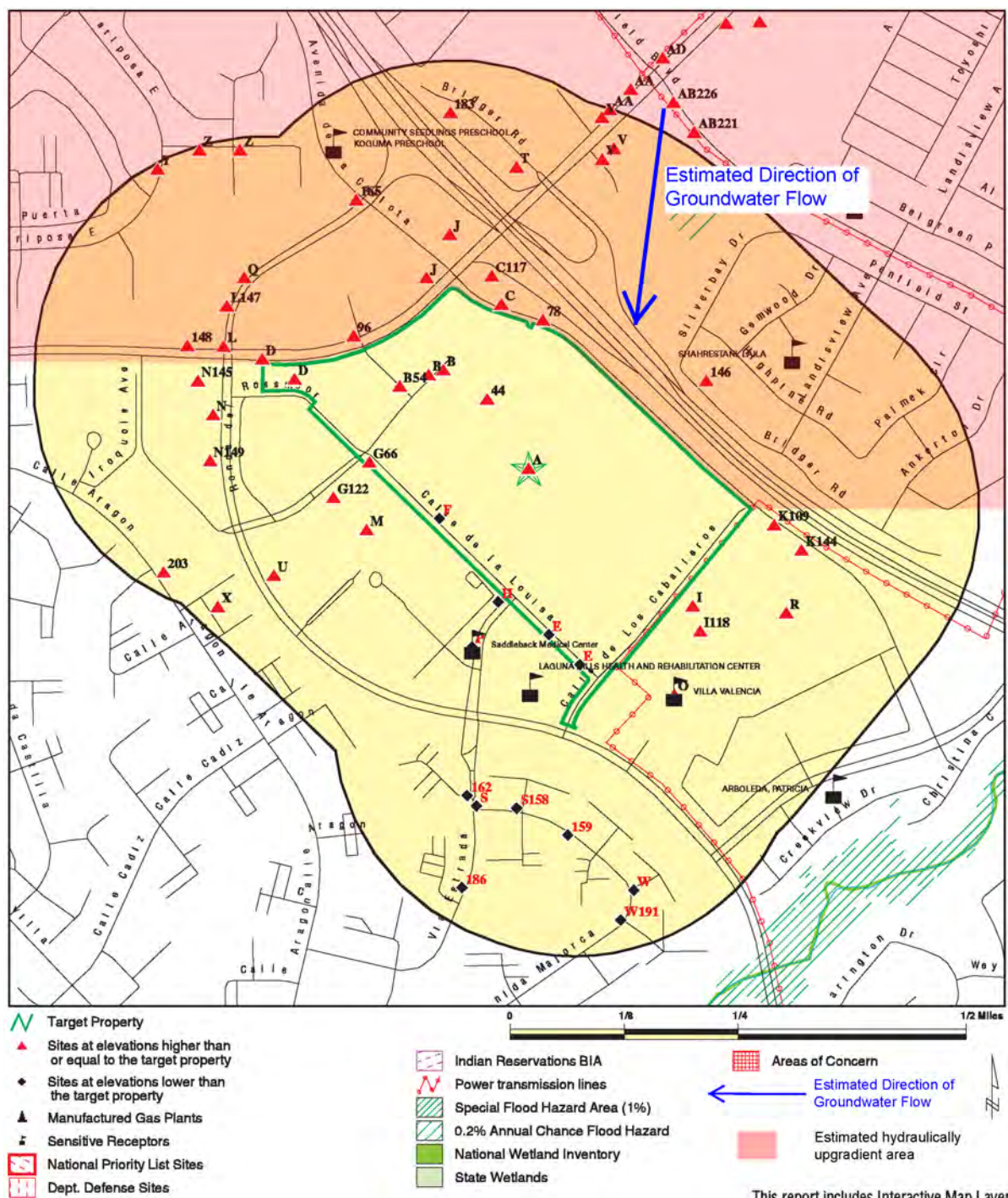
**Site AE233: Unocal Service Station #4 (currently vacant)** is located at the north corner of El Toro Road and Bridger Road, northeast of the I-5 freeway. It is nonadjacent, but upgradient and 850 feet from the Subject Property. The Site is listed on the HIST CORTESE database. It's distance and absence of any release of hazardous substances to soil or groundwater indicates it does not represent a *REC*.

##### **24312-24422 Rockfield Boulevard**

**Site AB226: The Shops at Lake Forest Shopping Center** is located at the south corner of El Toro Road and Rockfield Boulevard, northeast of the I-5 freeway. It is nonadjacent, but upgradient and 900 feet from the Subject Property. The Site is listed on the CPS-SLIC, DEED,

and CERS databases. The release reportedly originated from a former dry-cleaning business in the shopping center. The Site had a release of dry-cleaning solvents and related volatile organic compounds (VOCs) that have impacted groundwater and migrated northwest beneath the freeway and detected in groundwater monitoring wells near 23971 El Toro Road (Sites J31-J37). VOCs have been detected in groundwater near the northeast corner of the Subject Property but the plume is reportedly resolving due to source removal and enhanced reductive dechlorination (Arcadis, March 2020; *Appendix I*). Groundwater flow direction north of the Subject Property (Sites L110-L116) appears to be towards the Subject Property and if the plume expanded there is a low potential for it to migrate onto the Subject Property. Nevertheless, conditions as reported do not indicate a *REC*.

Other sites identified in the EDR report, either due to distance, direction or nature of listing, appear unlikely to be sources of migrating constituents of potential concern to the Subject Property and therefore don't appear to represent *RECs*, *HRECs*, *CRECs*, or *Notable Findings*.



**Illustration 6. Map of Surrounding Sites Identified in the EDR Radius Map Report**

## Section 4: Historical Use

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### 4.1 Historical Aerial Photographic Review

Historical aerial photographs of the Subject Property and surrounding area were obtained from EDR. Photographs from 1938, 1946, 1952, 1963, 1967, 1972, 1974, 1980, 1989, 1994, 2005, 2009, 2012, and 2016 were reviewed by TOR (*Appendix B*). The composite historical timeline in Section 4.7 contains a summary of the observations made from those aerial photographs.

### 4.2 Sanborn Fire Insurance Maps

The Sanborn Fire Insurance Maps consist of a uniform series of large-scale detailed maps, dating from 1867 through 1969 depicting the commercial, industrial, and residential sections of cities. A search of the Sanborn Fire Insurance Maps was conducted for the Subject Property and coverage of the Subject Property was not identified (*Appendix C*).

### 4.3 City Directory

City directories have been published for many cities and towns across the United States since the 18<sup>th</sup> century. For every address within an area, city directories list the name of each resident or, if a business operates from that address, the name, and sometimes, the type of business. While the geographic coverage of city directories is comprehensive for most major cities, many rural areas and small towns may not be included. In addition, many towns and cities have discontinued the practice of issuing city directories.

*Appendix D* contains an abstract of historical city directory listings that was provided by the database search firm, which spans the years 1972 to 2014. For additional information, an EDR City Directory from the previous 2017 PHI ESA report was used in combination with the EDR City Directory ordered for this report. Both City Directories are included in *Appendix D*. The composite historical timeline in Section 4.7 contains a summary of the information in that abstract. According to the City Directory, the addresses of the mall tenants appear to change over time.

### 4.4 Topographic Maps

Historical topographic maps of the Subject Property and surrounding area were obtained from EDR. Maps from 1902, 1942, 1948/1949, 1968, 1981 and 2012 were provided to and reviewed by TOR (*Appendix E*). The composite historical timeline in Section 4.7 contains a summary of the observations made from those topographic maps.

### 4.5 Environmental Liens or Activity and Use Limitations

An environmental lien and activity and use limitations (AULs) search was conducted by EDR for the Subject Property in May 2017. No environmental liens or AULs were identified for the

Subject Property. The User provided an ALTA Commitment for Title Insurance issued by First American Title dated June 12, 2020. The document does not report a lien against the Subject Property. The Environmental Lien and AUL Search Report is included in *Appendix F* and the title report is included in *Appendix H*.

#### 4.6 Other Historical Records

Other historical records reviewed include tax assessor information and historical information obtained from User provided documents. In 2017, a 99-page building permit records file was provided by EDR. A review did not reveal additional issues of concern. The EDR Building Permit Report is in *Appendix G*.

#### 4.7 Composite Historical Timeline

Year	Source	Discussion
1902	Topographic Map	The Subject Property and immediate vicinity appear undeveloped. El Toro Road is present in roughly its present alignment, as are two roads branching to the south and southwest which are not present in later years, as is a road in the future easement of the I-5 Freeway to the east. Aliso Creek runs from the northeast to the southwest approximately ½ mile southeast of the Subject Property.
1938	Aerial Photograph	The Subject Property appears to be agricultural fields or undeveloped land. El Toro Road is present as a two-lane road in roughly its present alignment to the north. A two-lane highway centered on the current alignment of the I-5 Freeway is present to the north.
1942	Topographic Map	The Subject Property and immediately area appear similar to the previous topographic map. There are additional scattered rural residences or buildings in the vicinity of the Subject Property. There is a road along the southwest property boundary, which intersects a road coming up from the southwest and one road crosses the northern Subject Property before ending at El Toro Road.
1946	Aerial Photograph	The Subject Property and immediately area appear similar to the previous aerial photograph.
1948-1949	Topographic Map	The Subject Property and immediately area appear similar to the previous topographic map.



Year	Source	Discussion
1952	Aerial Photograph	The Subject Property and immediately area appear similar to the previous aerial photograph.
1963	Aerial Photograph	The Subject Property appears similar to the previous aerial photograph. Interstate 5 freeway and Avenida De La Carlota, fronting the freeway, have been constructed to the north of the Subject Property and El Toro Road has been expanded in width.
1967	Aerial Photograph	<p>The Subject Property is shown to be under development with a building at 24032 El Toro Road (currently BJ's Restaurant) present at the northwest portion of the Subject Property. Also present is an L-shaped building at 23521 - 23541 Avenida De La Louisa (a different building, but in the same location as the current Nordstrom's Rack/Body Works Gym &amp; Spa). Paved parking is also visible surrounding these buildings. Additionally, small structures appear to be present along the south boundary of the Subject Property. El Toro Road has been widened to the north. Ronda Del Rossmoor and Calle De La Louisa are present to the southwest going as far southeast as Health Center Drive. Avenida De La Carlota is present to the north as in the 1963 aerial photograph. The mall entrance from El Toro Road has been added connecting with Calle De La Plata. The rest of the Subject Property remains undeveloped.</p> <p>Adjacent parcels include undeveloped land, with retail structures to the west/northwest (including gasoline stations at the northeast and southeast corners of the intersection of El Toro Road and Paseo De Valencia, which is now constructed). A building in the location of the present-day hospital is seen to the south. A rural residential complex to the southeast remains as seen in previous aerial photographs. Urban housing tracts have been established to the northeast and south.</p>

Year	Source	Discussion
1968	Topographic Map	<p>The Subject Property to be improved with the buildings currently occupied by BJ's Restaurant, an L-shaped retail structure within the current footprint of the Nordstrom's Rack/Body Works Gym &amp; Spa building, and five small rural residential or commercial structures along the southeastern edge of the Subject Property. El Toro Road has been widened to the north. Ronda Del Rossmoor and Calle De La Louisa are present to the southwest going as far southeast as Health Center Drive. Avenida De La Carlota is present to the north. The mall entrance from El Toro Road has been added connecting with Calle De La Plata. The rest of the Subject Property remains unimproved land.</p> <p>Adjacent parcels are improved with various commercial structures to the north and west, vacant land to the southeast, and the I-5 Freeway to the north and east. Several large housing tracts are depicted to the east, north and southwest of the Subject Property.</p>
1972	Aerial Photograph	<p>The Subject Property appears further developed with new buildings in the locations of the former Sears appliance and automotive centers near the southern boundary and a commercial building (different building but in the same location as the current In-N-Out and Kings Fish House) at the north corner of the Subject Property. The L-shaped retail building appears the same as the previous aerial photograph. Paved parking is also visible surrounding these buildings. The remainder of the property appears in various stages of grading and construction preparation. Calle De La Louisa is not yet completed to Calle De Los Caballeros.</p> <p>Adjacent parcels include commercial development, including: gasoline or service stations at the north, west and east corners of the intersection of El Toro Road and Avenida De La Carlota, and gasoline stations at the northwest, northeast, and southeast corners of the intersection of El Toro Road and Paseo De Valencia. Additional housing tracts appear to the north. Vacant, undeveloped land, lies southeast of the Subject Property adjacent to the previously identified rural dwelling.</p>

Year	Source	Discussion
1972	City Directory 2017	<p><b><u>Subject Property:</u></b></p> <p><b>El Toro Road:</b> 24032 United California Bank</p> <p><b>Calle De La Louisa:</b> 23521 Laguna Hills Cleaners 23523 Laguna Hills Coiffres; Leisure World Bty 23525 Leisure Wld Brbr 23527 Discover America Clb; Sans Souci Travel; Don Scott Tour Co 23529 Fashions by Robin; Robins Fashions 23531 Dr Wm B Buethe; Dr Martin J Gill DDS 23533 Laguna Hills Liquor; Rolfs Wines &amp; Spirits 23535 Leisure World Resls 23537 Kinsmans Gift Shop 23541 Alpha Beta Acme Mkt</p> <p><b>Avenida De La Carlotta:</b> 24001 Cocos Famous Hmbrgr</p> <p><b><u>Adjacent Properties:</u></b> 24081 El Toro Road: Chevron Sv Station; B Rash Standard Stn 24085 El Toro Road: Mobil Oil Station; Mobil Service Stns 24012 Avenida De La Carlotta: Dicks ARCO</p>
1973	City Directory 2020	<p><b><u>Subject Property:</u></b></p> <p><b>Laguna Hills Mall (Paseo De Valencia):</b> No listings for Subject Property on Laguna Hills Mall or Paseo de Valencia</p>
1974	Aerial Photograph	<p>The main mall building has been completed from Sears on the southeast end to Broadway/Macys on the northwest end. An additional stand-alone building is being constructed or has been constructed along Avenida De La Carlota, in the present-day location of Firestone Complete Auto Care (24196 Laguna Hills Mall). The remainder of the Subject Property is parking. Calle De La Louisa has been completed and meets a partially constructed Calle De Los Caballeros.</p> <p>Adjacent construction on properties to the north have been completed and have been begun to the south.</p>

Year	Source	Discussion
1975	City Directory 2017 & 2020	<p><b><u>Subject Property:</u></b></p> <p><b>Laguna Hills Mall (Paseo De Valencia):</b>  Various addresses &amp; commercial listings including:  24155 Laguna Hills Mall  24300 Allstate Insurance; Alec M Mestman OD; William Mestman OD; Sears Roebuck Ctlg; Sears Roebuck &amp; Co  Apparently older addresses were numbers listed along Paseo De Valencia, so it is difficult to ascertain which businesses were part of the Subject Property as mall tenants and which are separate adjacent properties west of Paseo De Valencia. There do not appear to be any other notable businesses on the Subject Property.</p> <p><b>El Toro Road:</b>  24032 United Calif Bank</p> <p><b>Calle De La Louisa:</b>  23521 Laguna Hills Cleaners  23523 Laguna Hills Coiffres; Leisure World Beauty  23525 Leisure World Barber  23527 Discover America Clb; Scott Don Tour Co  23529 Veltas Fashions  23531 Dr Wm B Buethe  23533 Laguna Hills Liquor; Rolfs Wines &amp; Spirits  23535 Stitchery Witches  23537 Kinsmans Gift Shop  23539 Saddleback Thrift Sh  23541 Alpha Beta Str</p> <p><b>Avenida De La Carlotta:</b>  24001 Reubens Plankhouse</p> <p><b><u>Adjacent Properties:</u></b>  23971 El Toro Road: Laguna Hls Shell; Shell Srv Stn Dlrs  23991 El Toro Road: Trans Tech Resources  24081 El Toro Road: Chevron Sv Stn Dlrs; Bill Rash Chvrn Stn  24082 El Toro Road: Laguna Hills Un Srv; Leisure World Un Sv;  Union Oil Serv Stn; T Yarborough Un Sv  24085 El Toro Road: Mobil Oil Station; Mobil Service Stns  24087 El Toro Road: Laguna Hlls Car Wsh  24012 Avenida De La Carlotta: Dicks ARCO</p>

Year	Source	Discussion
1980	Aerial Photograph	<p>The Subject Property appears further developed with new buildings in the locations of the present-day Firestone Complete Auto Care (24196 Laguna Hills Mall) along Avenida De La Carlota and Just Tires (24099 Laguna Hills Mall) near El Toro Rd. The JC Penney building (24200 Laguna Hills Mall) has been added to the main mall building. This picture more clearly shows paved parking across the remainder of the Property. The previously identified buildings remain on the property.</p> <p>The adjacent area appears similar to the previous aerial photograph, with the exception of an overall increase in commercial development to the south and west. Also, the gasoline station at the northwest corner of El Toro Road and Paseo De Valencia has been redeveloped into the present-day bank building.</p>



Year	Source	Discussion
1980	City Directory 2017	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall (Located on Paseo De Valencia):</b>  Various addresses &amp; commercial listings including:  24100 Broadway Dept Lag  24155 Laguna Hls Mall  24200 JC Penney Auto Service &amp; others (currently Firestone at 24196)  24300 Sears Roebuck Company &amp; others  Apparently older addresses were numbers listed along Paseo De Valencia, so it is difficult to ascertain which businesses were part of the Subject Property as mall tenants and which are separate adjacent properties west of Paseo De Valencia. There do not appear to be any other notable businesses on the Subject Property.</p> <p><b>El Toro Road:</b>  24032 United Bank Laguna</p> <p><b>Calle De La Louisa:</b>  23521 Laguna Hills Cleaners  23523 Laguna Hills Coiffres; Leisure World Beauty  23525 Leisure World Barber  23527 Old Fashion Donut House  23529 Veltas Fashions  23531 Laguna Hills Optical  23533 Laguna Hills Liquor; Laguna Hills Wine  23535 Eldorado Bk Leisure  23537 Kinsmans Stationers  23539 Cheerful Earfuls; Dahlberg at Laguna; Debrowe Realty; Morton L Gaston; Hearing Aid Gaston; Leisure Wrld RI Est; Maico at Laguna Hills  23541 The Akron</p> <p><b>Avenida De La Carlotta:</b>  24001 Cocos Famous Hmbrg; Reubens Restaurants</p> <p><b><u>Adjacent Properties:</u></b>  23971 El Toro Road: Laguna Hills Shell; Shell Srv Stn Lag  23991 El Toro Road: Trans Tech Resources  24081 El Toro Road: Chevron Sta Lag Hls; B Rash Chvrn Stndrd  24082 El Toro Road: Gil Orr Union Sv; Leisure Wrld Un Srv  24012 Avenida De La Carlotta: Good Automotv ARCO; Prestige Stations</p>

Year	Source	Discussion
1981	Topographic Map	<p>The Subject Property has been developed with several buildings including: the main mall building from Sears to Macys, the Sears Automotive Center building in the south corner, Just Tires, In-N-Out/Kings Fish House, and Firestone Complete Auto Care. The entrance ramps from El Toro Road have been eliminated and only a small entrance road is seen from El Toro Road into the mall, but it still connects with Avenida De La Plata.</p> <p>The adjacent area has been developed as well. The area southeast of the Subject Property remains open, but the scattered buildings and dirt roads are no longer shown. The adjacent auto/gas stations at the corners of El Toro Road and Paseo De Valencia and Avenida De La Carlota are present as are increased housing tracts and commercial development north and west of the Subject Property.</p>
1982	City Directory 2020	<p><b>Subject Property:</b>  <b>Laguna Hills Mall (Located on Paseo De Valencia):</b>  Various addresses &amp; commercial listings including:  24100 Broadway Dept Lag; Broadway Hair  24155 Laguna Hls Mall; Original Cookie Co; Russos Wndrfl Wrld  24200 JC Penney Lag Hls; Auto Srv; Beauty; Catalog  24300 Sears Roebuck; Allstate Ins Sl LH; James Fabricant; Sears Formal Wear; Sears Roebuck Catlg  Apparently older addresses were numbers listed along Paseo De Valencia, so it is difficult to ascertain which businesses were part of the Subject Property as mall tenants and which are separate adjacent properties west of Paseo De Valencia. There do not appear to be any other notable businesses on the Subject Property.</p>

Year	Source	Discussion
1985	City Directory 2017	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>  Various addresses &amp; commercial listings including:  24099 Broadway Goodyear  24100 Broadway Dept Strs  24155 La Petite Boulngrie; Original Cookie Co (Not used as an address for the entire mall)  24196 Firestone Stores  24200 Penney  24300 Sears Roebuck Company  Apparently older addresses were numbers listed along Paseo De Valencia, so it is difficult to ascertain which businesses were part of the Subject Property as mall tenants and which are separate adjacent properties west of Paseo De Valencia. There do not appear to be any other notable businesses on the Subject Property.</p> <p><b>El Toro Road:</b>  24032 First Intrst Leisur</p> <p><b>Calle De La Louisa:</b>  23523 R Furtado Beauty Salon; Phyllis Holley Cffr; Leisure Wrld Beauty; Lillyans Hair Styls; Marys Hairstyles; Peacock Alley; Jean VanLiefde  23525 Leisure Wrld Barber  23527 Old Fashion Donut 2  23529 Velta's Fashions  23533 E Corp  23537 Kinsmans Stationers  23539 Cheerful Hearng Aid; Dahlberg; Debrowe Realty Inc;  Gaston Alfred &amp; Assc; Hearing Aids Gaston; Leisure Wrld RI Est;  Maico Laguna Hills  23541 The Akron</p> <p><b>Avenida De La Carlotta:</b>  24001 Cocos Family Rests; Reubens Restaurant</p> <p><b><u>Adjacent Properties:</u></b>  23971 El Toro Road: Shell Srv Stn Dlrs  23991 El Toro Road: Emerald Oil Co  24081 El Toro Road: Bill Rash Chevron  24082 El Toro Road: Leisure Wrld Un Sv; Gil Orr Union Serv</p>

Year	Source	Discussion
1987	City Directory 2020	<p><b>Subject Property:</b>  <b>Laguna Hills Mall (Located on Paseo De Valencia):</b>            Various addresses &amp; commercial listings including:            24099 Broadway Goodyear            24100 Broadway Dept Store; Hair Stylg; RH Teagle            24155 La Petite Boulngrie            24196 Firestone Stores; Laguna Hls Frstn 27; Sherwin Williams Co            24200 Penney; Portrait; Beauty Salon; Catlg Pck Up; Ins Sales Ct            24300 Sears; Sears Tuxedo Serv &amp; Others</p>
1989	Aerial Photograph	<p>The Subject Property and adjacent area appear similar to the previous aerial photograph. The present-day retail building complex at the east corner of El Toro Road and Avenida De La Carlota has replaced the single building structure previously viewed and the property north across El Toro Road are under renovation.</p>

Year	Source	Discussion
1992	City Directory 2017 & 2020	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Goodyear Tire &amp; Rubber Co            24100 Carter Hawley Hale Stores Inc            24155 JW OConnor &amp; Co Inc            24196 Bridgestone/Firestone Inc; Sherwin-Williams Co            24200 Nancy J Griffin OD            24300 Cole Vision Corp  <b>El Toro Road:</b>            24032 First Interest Accts  <b>Calle De La Louisa:</b>            23521 Laguna Hills Cleaners            23523 Abel Moreno &amp; Associates            23525 Leisure World Barber; Laguna Hills Coiffure            23527 Old Fashion Donut 2            23529 Velta's Fashions            23531 Jeffrey H Brown Dr            23533 Laguna Hills Liquor            23535 Mandarin King            23537 Raffi's Fine Jewelery            23539 Sales Dynamics, Inc.            23541 Circuit City Stores  <b><u>Adjacent Properties:</u></b>            23971 El Toro Road: Smog Check Lgna Hlls            23991 El Toro Road: G&amp;M Oil Company No. 40            24082 El Toro Road: Leisure Wrld Un Serv</p>
1994	Aerial Photograph	The Subject Property and immediately area appear similar to the previous aerial photograph.



Year	Source	Discussion
1995	City Directory 2017 & 2020	<p><b><u>Subject Property:</u></b></p> <p><b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Goodyear Tire &amp; Rubber Co; Americas Tire Co; Broadway Goodyear            24100 Broadway Stores Inc            24155 Various Retail Mall Shops            24196 Bridgestone/Firestone Inc; Firestone Tire &amp; Svc Ctr; Sherwin-Williams Co            24200 JC Penney Co; Nancy J Griffin OD            24300 Sears Roebuck Co &amp; Others</p> <p><b>El Toro Road:</b>            24032 First Interstate Bank of California</p> <p><b>Calle De La Louisa:</b>            23521 Laguna Hills Cleaners            23523 Merle Norman Cosmetics            23525 Leisure World Barber            23527 Old Fashion Donut House            23529 Velta's Fashions            23531 Jeffrey Brown Dr/Laguna Hills Optometry            23533 Laguna Hills Liquor            23537 Raffi's Fine Jewelery            23539 Sales Dynamics, Inc.            23541 Circuit City Stores</p> <p><b>Avenida De La Carlotta:</b>            24001 Coco's Family Restaurants; Reuben's Restaurant</p> <p><b><u>Adjacent Properties:</u></b>            23971 El Toro Road: Laguna Hills Shell            23991 El Toro Road: G&amp;M Oil Co            24081 El Toro Road: Laguna Hills Chevron            24082 El Toro Road: Leisure World Union Unocal</p>

Year	Source	Discussion
1999	City Directory 2017	<p><b><u>Subject Property:</u></b></p> <p><b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Just Tires            24100 Broadway Dept Stores Laguna Hills; Macys            24155 Various Retail Mall Shops            24196 Firestone Tire &amp; Service Centers Laguna Hills; Tire Station;            Firestone District Office No 7100            24200 JC Penney Co Inc; Nancy J Griffin OD; Royal Optical Inc            24300 Sears Roebuck &amp; Co Retail Stores and Others</p> <p><b>El Toro Road:</b>            24032 Gordon Biersch Brewery Restaurant</p> <p><b>Calle De La Louisa:</b>            23527 Old Fashion Donut House 2            23529 Velta's Fashions            23533 Laguna Hills Liquor            23539 Sales Dynamics, Inc.            23541 Circuit City Stores; Wow Center; Wow Multimedia Superstore</p> <p><b>Avenida De La Carlotta:</b>            24001 Arrosto Coffee; Cocos Family Restaurant; Color Me Mine;            Kings Fish House Laguna Hills; Koo Koo Roo; Reuben's Restaurant            24023 Pumpkin Citys Pumpkin Farm &amp; Christmass Trees</p> <p><b><u>Adjacent Properties:</u></b>            23971 El Toro Road: Laguna Hills Shell; Shell Service Station;            Smog Check Stations Laguna Hills            23991 El Toro Road: G&amp;M Oil Company No 40            24082 El Toro Road: Leisure World Union Unocal</p>
2000	City Directory 2020	<p><b><u>Subject Property:</u></b></p> <p><b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Goodyear Tire &amp; Rubber Company            24100 Macys West Inc            24155 Various Retail Mall Shops            24196 Bridgestone/Firestone Inc            24200 Nancy J Griffin OD, USV Optical Inc            24300 Sears Roebuck and Co &amp; Others</p>

Year	Source	Discussion
2003	City Directory 2017	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>  Various addresses &amp; commercial listings including:  24099 Just Tires  24100 Broadway Dept Stores  24155 Various Retail Mall Shops  24196 Firestone Tire &amp; Rubber Co; Firestone Tire &amp; Service Cntr Lgn; Occupant Unknown; South Bay Chrysler Plymouth  24200 JC Penney Co; Nancy J Griffin OD; Occupant Unknown; USV Optical Inc  24300 Sears Roebuck Co &amp; Others</p> <p><b>El Toro Road:</b>  24032 Gordon Biersch Brewery Restaurant; Michael Kolden</p> <p><b>Calle De La Louisa:</b>  23541 Good Guys; Occupant Unknown</p> <p><b>Avenida De La Carlotta:</b>  24001 Kings Fish House Laguna Hills; Koo Koo Roo</p> <p><b><u>Adjacent Properties:</u></b>  23971 El Toro Road: Laguna Hills Shell; Shell Service Station; Occupant Unknown  23991 El Toro Road: G&amp;M Oil Co  24082 El Toro Road: Leisure World Unocal; Hamid Nekouie</p>
2005	Aerial Photograph	<p>On the Subject Property, the L-shaped building along Avenida De La Louisa appears to have been replaced with the current Nordstrom's Rack/Body Works Gym &amp; Spa building (23541 Avenida De La Louisa).</p> <p>The adjacent area appear similar to the previous aerial photograph, with the exception of the present-day Ashley Furniture/Total Wine &amp; More building has been constructed to the north (24001 El Toro Rd) and the gasoline station at the northeast corner of El Toro Road and Paseo De Valencia has been replaced by the present-day Walgreens building (24081 El Toro Road).</p>

Year	Source	Discussion
2005	City Directory 2020	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Goodyear Tire &amp; Rubber Company            24100 Macys West Inc            24155 Various Retail Mall Shops            24196 Bridgestone Ret Operations LLC; Sherwin Williams Co            24200 Nancy J Griffin OD, USV Optical Inc            24300 Sears Roebuck, Tire Kingdom, and Co &amp; Others</p>
2008	City Directory 2017	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Goodyear Tire &amp; Rubber Co; Just Tires Laguna Hills            24100 Macys; Federated Retail Holdings            24155 Various Retail Mall Shops            24196 BFS Retail Commercial Operations LLC; Bridgetown            Firestone Inc; Firestone Tire &amp; Service Centers; Sherwin Williams            Co            24200 JCPenney Optical; Nancy J Griffin OD            24300 Sears Roebuck Company, Sears Portrait Studio, Tire            Kingdom Inc &amp; Others  <b>El Toro Road:</b>            24032 BJs Restaurant  <b>Avenida De La Carlotta:</b>            24001 Kings Fish House Laguna Hills; Koo Koo Roo Inc; Geosoils            Consultants Inc  <b>Adjacent Properties:</b>            23971 El Toro Road: Laguna Hills Shell            23991 El Toro Road: G&amp;M Oil Co No 40 Laguna Hills</p>
2009	Aerial Photograph	The Subject Property and adjacent area appear similar to the previous aerial photograph.
2010	City Directory 2020	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>            Various addresses &amp; commercial listings including:            24099 Goodyear Tire &amp; Rubber Company            24100 Macys Department Stores Inc            24155 Various Retail Mall Shops            24196 Bridgestone Ret Operations LLC; Sherwin Williams Co            24200 JC Penney Corp Inc &amp; Others            24300 Sears Roebuck and Co &amp; Others</p>

Year	Source	Discussion
2012	Aerial Photograph	<p>The Subject Property appears similar to the previous aerial photograph.</p> <p>The adjacent property to the north across El Toro Road has added the Chick-Fil-A building (24011 El Toro Rd) and at the west corner of El Toro Road and Avenida De La Carlota, has reconfigured the Chevron gasoline station (23991 El Toro Rd).</p>
2012	Topographic Map	<p>The 2012 topographic map does not show buildings, houses, structures, etc. but only roadways. Roadways crossing the Subject Property and in the adjacent areas appear substantially the same as in the previous topographic map.</p>
2013	City Directory 2017	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>            Various commercial listings including:            24099 Just Tires            24100 Macys            24155 Various Retail Mall Shops, including Baroni Cleaners            24196 Firestone Complete Auto Care            24200 Nancy J Griffin, OD, JCPenney Salon            24300 Sears  <b>El Toro Road:</b>            24032 B&amp;Js Restaurant  <b>Calle De La Louisa:</b>            23541 Nordstrom/Total Woman Spa  <b>Avenida De La Carlotta:</b>            24001 Kings Fish House Laguna Hills            24203 Pumpkin City  <b><u>Adjacent Properties:</u></b>            23971 El Toro Road: Laguna Hills Shell            24082 El Toro Road: G&amp;M 157</p>
2014	City Directory 2020	<p><b><u>Subject Property:</u></b>  <b>Laguna Hills Mall:</b>            24099 Goodyear Tire &amp; Rubber Company            24100 Macys Department Stores Inc &amp; Others            24155 Various Retail Mall Shops, including Baroni Cleaners            24196 Bridgestone Ret Operations LLC            24200 JC Penney Corp Inc &amp; Others            24300 Sears Roebuck and Co &amp; Others</p>



Year	Source	Discussion
2016	Aerial Photograph	<p>The Subject Property appears similar to the previous aerial photograph.</p> <p>For the adjacent property, the former Shell gasoline station at the north corner of El Toro Road and Avenida De La Carlota has been replaced by a new building and parking which appears as the current Raising Canes Restaurant. The remainder of the adjacent properties appear similar to the previous year's reviewed aerial photograph.</p>
10 / 18 / 2016	Google Earth aerial photograph	The Subject Property is being renovated with a section of the mall between Sears and JC Penney under demolition. The Sears building is still standing, but disconnected with the rest of the main mall building. Also there is some grading or use as material storage in the east corner of the property in the parking lot along Avenida De La Carlota.
3 / 30 / 2017	Google Earth aerial photograph	The Subject Property has expanded the renovations, with the demolition of the Sears building and completion of demolition of the southern section of the main mall building up to JC Penney. The building concrete has been removed and the land graded and parking removed from the remaining mall building to the southern property line. The east corner of the property and south corner near the Sears Automotive Center appear to be used for material storage.
8 / 13 / 2018	Google Earth aerial photograph	The Subject Property appears substantially as in the previous aerial photograph. There are several stockpiles along the southeast property boundary.
5 / 2 / 2019	Google Earth aerial photograph	The Subject Property appears substantially as in the previous aerial photograph. There are several stockpiles along the southeast property boundary.

### **Historical Summary**

The Subject Property was agriculturally developed land from at least 1938 to 1963. Portions of the Subject Property appear to have historically been used as agricultural grazing land. Based on the subsequent property-wide grading, soil mixing, and soil redistribution, it is unlikely that potential agricultural residue would pose a risk to commercial uses of Subject Property. Further, the property is mostly paved with asphalt and concrete significantly limited exposure to humans. This historical use does not represent a *REC* for the Subject Property.

From at least 1967, the Subject Property has been developed with portions of the current Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall), including a bank building at 24032 El Toro Road (currently BJ's Restaurant) at the northwest portion of the Subject Property and an L-shaped retail building at 23521 - 23541 Avenida De La Louisa (an earlier constructed building but was in the same location as the current Nordstrom's Rack/Body Works Gym & Spa). By 1980, most of the current structures and associated parking areas were complete on the Subject Property. Laguna Hills Cleaners, formerly located at 23521 Calle De La Louisa was located within the L-shaped structure on the west side of the Subject Property. The Laguna Hills Cleaners operated on-site between 1975 and 1995 based on environmental database listings. The building was demolished during redevelopment of the parcel in 2003. Building foundations were removed and soil was removed and replaced in preparation for the new building foundation. Impacts to soil or groundwater were not reported as a part of the redevelopment. This historic dry-cleaning business potential impact to shallow groundwater was evaluated in a Limited Groundwater Quality Assessment to the south completed in 2016 and is discussed in more detail in Section 5.

A former Sears Automotive Center, Firestone Center and Goodyear Tire (currently Just Tires) facilities were located on the Subject Property. The former Sears Automotive Center was investigated as summarized in *Sections 3, 5, and 7*. Based on the results of the investigations, it was determined that the former Sears Automotive Center did not negatively impact the Subject Property, and therefore is not a *REC* for this PHI ESA.

Firestone Center and Just Tires businesses both have a history of auto service and repair on the Subject Property. In-ground facilities such as hydraulic lifts and clarifiers remain in-place and until removed and investigated considered a *REC* on the Subject Property. These operations have the potential to result in soil and groundwater impact and are discussed in Sections 3 and 5.

Elevators within the JC Penney building on the east side of the mall building were evaluated in 2019 as summarized in Section 3. Evaluation included soil and groundwater sampling adjacent to the elevators. Sampling and analysis indicated TPH DRO and MORO (hydraulic oils) were detected above the state screening levels for these heavy oils; however, groundwater had not been impacted. This condition does not present a risk to human health or the environment under current conditions and the impacts may not be considered by regulators as requiring enforcement action; however, the elevators remain in use and equipment could further deteriorate if not repaired and soil impacts could expand if not cleaned up. The JC Penney elevators represent an on-site *REC* for the Subject Property.

The same issue may be present in the former Macy's building when it is assessed. The elevator systems remain in use and further deterioration of the equipment could occur and impacts to environmental media could expand. Elevators have the potential to leak hydrocarbon oils into the adjacent soil and groundwater. These oils in soil at depth are not a health risk and are not considered highly mobile in the subsurface, although in some instances they can impact groundwater. California's Health and Safety Code 25250.4 requires that used

oil of any kind be managed as a hazardous waste. Used oil itself (not mixed with anything else) is not deemed a listed hazardous waste by the United States EPA. Nevertheless, the Macy's elevators have yet to be investigated and require cleanup should they be found to have leaked into the surrounding soil or groundwater. Soil management during redevelopment is recommended to address impacted soil as appropriate based on findings during excavation. The presence of the elevators is considered a *Notable Finding*.

## Section 5: User Provided Information

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### 5.1 Proposed Use

This Phase I ESA was requested as part of a property transaction involving the Users of this report.

### 5.2 User Provided Documents

As part of the Phase I ESA, TOR reviews relevant documentation, specialized knowledge, and/or commonly known information available from Glaser Weil and MGM pertaining to the Subject Property. User Provided information is contained in *Appendix H*.

Glaser Weil and MGM provided the following documents to TOR for review:

1. **January 1967, Orange County California, Tract Map No. 6106, Map Book 232, Pages 6-10. Recorded 2 March 1967. 5p.**

The January 1967 tract map includes the portion of the Subject Property currently improved with BJ's Restaurant and Nordstrom's Rack/Body Works Gym & Spa, as well as paved parking adjacent to these structures. This information, in conjunction with other historical resources, indicates that development of this portion of the Subject Property began shortly after January 1967, when the area was subdivided with the county assessor.

2. **March 1973, Orange County California Tax Assessor, Tax Assessor Parcel Map 621-05. 1p.**

The tax assessor parcel map page 621-05 includes the portion of the Subject Property not included in Tract No. 6106 (from January 1967). The date of the tax assessor page modification of March 1973, in conjunction with other historical resources, indicates that the mall, with the exception of the portion included in Tract No. 6106, was under development in 1973.

3. **13 July 1973, Orange County California Tax Assessor, Deed of Easement No. 110, Rossmoor Water Company for installation and maintenance of a 16-inch asbestos cement water main. 7p.**

This easement indicates that a 16-inch asbestos cement water main (pipe) was installed beneath the Subject Property at the location indicated in the easement. The use of asbestos cement for water mains was a common practice in 1973 and does not indicate an exposure concern. However, should redevelopment activities impact the easement area and include abandonment of the asbestos-cement pipe, it should be managed in accordance with state and federal regulations. The presence of an asbestos-cement pipe is considered a *Notable Finding*.

**4. 29 September 1989, Certified Environmental and Testing (CET), Asbestos Survey at the Laguna Hills Mall and Laguna Hills Shopping Center, Laguna Hills, California. 122p.**

The report indicates that the mall was constructed in two phases: Phase I was completed in 1973 and Phase II was completed in 1977. The approximate square footage of the mall and shopping center is estimated at 1,097,960 square feet. The asbestos survey did not include a survey of the building, which is currently occupied by BJ's Brewhouse.

The report identifies the following as asbestos-containing materials:

- Floor Tile
- Transite Wall Board
- Sprayed-on Ceiling Material
- Linoleum Floor Covering Materials (not sampled but assumed to contain asbestos)

A sampling plan on page 75 of 122 of the report is a floor plan of the "Laguna Hills Shopping Center", which is an L-shaped structure. This L-shaped structure was located within the footprint of the current Nordstrom's Rack/Body Works Gym & Spa building as seen on the Site Plan on page 73 of 122 of the same report. The floor plan shows the location of a historical dry cleaner at the northwest corner of the building. The former dry cleaning business reportedly ceased operations in 1994. The evaluation of the current presence or condition of asbestos-containing materials was outside of the scope of TOR's Phase I ESA; however, the historical presence of asbestos-containing building materials onsite is considered a *Notable Finding*.

**5. 14 August 1992, CTL Environmental Services (CTL), Asbestos Survey Report for Buffums, 24231 Laguna Hills Mall, Laguna Hills, CA 92653. 65p.**

The asbestos survey conducted by CTL included only the Buffums Department Store, which corresponds to the 2-story former food court area of the mall. The survey identified the following asbestos-containing materials:

- Fireproofing
- Floor Tile/Mastic
- Linoleum
- Roofing Material and Roof Patches

The evaluation of the current presence or condition of asbestos-containing materials was outside of the scope of TOR's Phase I ESA; however, the historical presence of asbestos-containing building materials onsite is considered a *Notable Finding*.

**6. September 1992, Various Authors, Comments on Laguna Hills EIR. 51p.**

The comments on the EIR are associated with an expansion of the mall that was planned as of 1992. The comments do not contain information with substance for TOR's Phase I ESA.

**7. 1994 – 1995, Various Authors, Correspondence and Legal Documents Regarding Shopping Center Associates v. HomeFed Bank, et. al. 193p.**

From 1990 through 1995, Shopping Center Associates (SCA) entered into legal action against parties that they perceived were the source of contaminated soil and groundwater beneath the Subject Property. Review of the provided documents indicates that these parties appeared to be associated with parties that owned or operated land occupied by the various fueling facilities located adjacent and upgradient of the Subject Property. In 1995, various payments to SCA were made and the legal action was settled. This historical legal action is considered a *Notable Finding*, especially as it pertains to indemnifications and guarantees to remediate the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall) property. TOR recommends that the User review the implications of these legal documents and proceedings.

**8. 5 September 1997, EMG, Phase I Environmental Site Assessment of Laguna Hills Mall, 24155 Laguna Hills Mall, Laguna Hills, California 92653. 195p.**

EMG's Phase I ESA included the entire Subject Property, with the exception of the JC Penney structure, which was excluded from the scope of the assessment.

The Phase I ESA identified the following items of concern:

- An unmarked 55-gallon drum was identified on the south side of the JC Penney's structure. EMG recommended its removal.
- EMG recommended that development and implementation of an Asbestos Operations and Maintenance (O&M) Program.
- EMG indicated that several USTs were identified with the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall) and recommended file reviews to evaluate these concerns. The review document is summarized below.
- EMG indicated that several LUST sites were identified in the area of the Subject Property and groundwater monitoring wells were observed throughout the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall). File reviews were recommended at the SARWQCB. The review document is summarized below.
- EMG identified that a dry cleaner formerly occupied a tenant space within Building 3 (the former Laguna Hills Shopping Center building within the footprint of the current Nordstrom's Rack/Body Works Gym & Spa building) from at least 1983 through 1994. Although EMG indicated that there is a potential for subsurface contamination, they did not identify the historical dry cleaner as a *REC*, and they did not recommend



further assessment of the dry cleaner. Appendix B of the 1997 PHI ESA contains a field sketch that indicates the former building layout of the Subject Property.

**9. 1 October 1997, EMG, File Review, Laguna Hills Mall, 24155 Laguna Hills Mall, Laguna Hills, California 92653. 121p.**

EMG reviewed the files for the adjacent upgradient LUST sites at the SARWQCB. EMG concluded that:

“No information was presented in the reviewed files that would indicate that the current owners of the Project would be held responsible for the cleanup of any of the identified contamination. In addition, there does not appear to be an immediate health risk to the occupants of the Project...”

EMG reviewed OCHCA files for tenants of the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall), including Kits Cameras, Lenscrafters and Laguna Hills Cleaners. The file information for Laguna Hills cleaners indicates that the dry cleaner utilized PCE as dry-cleaning fluid and operated at the suite onsite from at least 1983 through 1994. EMG found no UST files and no reports of a release to soil or groundwater for the Subject Property addresses.

EMG reviewed Orange County Fire Authority (OCFA) files for 24099 Laguna Hills Mall (Goodyear/Just Tires). Hazardous materials storage records were found, but no record of historical USTs.

**10. 27 July 2005, AllWest, Environmental Site Assessment, Parking Lot, Laguna Hills Mall, Southwest Portion of Orange County Assessor Parcel No. 621-051-33 (24300 Calle De La Louisa), Laguna Hills, California. 26p.**

AllWest's Phase I ESA included only the 150,000 square feet of the Subject Property, which included the southwest portion of Parcel No. 621-051-33.

AllWest did not identify any *RECs* associated with the portion of the Subject Property evaluated and did not recommend further assessment.

**11. 18 April 2016, TOR, Limited Soil and Soil Gas Assessment, Former Sears Auto Center, 24300 Laguna Hills Mall, Laguna Hills, California. 68p.**

This reports investigation of the former in-ground hydraulic lifts and the in-ground clarifier that were removed by Sears in June 2014. Although Sears's consultant removed the underground lifts, in-ground oil/water clarifier as well as evaluated adjacent soil and shallow groundwater for releases of total petroleum hydrocarbons, Sears was unable to disclose the results of their work to the owner of the Subject Property or the local regulatory agencies (Orange County Health Care Agency or Regional Water Quality Control Board).

Subsequent evaluations of the potential for soil and groundwater impacts were completed by the owner of the Subject Property in 2015 and 2016. These assessments included soil gas, soil

and groundwater testing in the areas around the former locations of the underground lifts, oil/water clarifier, and waste oil UST. Laboratory analysis including testing for impacts related to total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs) and lead.

TOR Environmental installed 11 soil gas sampling wells and collected 18 soil samples adjacent to the former underground lifts in 2015. Concentrations of PCE in soil gas were detected above California Human Health Screening Levels (CHHSLs) for residential scenarios of 0.47 ug/L in 10 of the 11 soil gas samples and above the commercial/industrial scenario screening level of 1.6 ug/L in two of the 11 soil gas samples. Detected PCE concentrations in soil gas ranged from 0.385 ug/L to 1.89 ug/L. Ethylbenzene was detected in one soil gas sample and xylenes were detected in three soil gas samples, all below the CHHSLs for residential and commercial/industrial scenarios. Concentrations of total petroleum hydrocarbons as gasoline-range organics (TPH-g) detected in soil gas ranged from 2.68 µg/L to 51.0 µg/L; however, volatile constituents such as benzene and toluene and were not detected. Ten of the 18 soil samples collected in June 2014 and February 2015 exceeded the EPA RSL MCL-based SSL Protective of Groundwater for PCE of 0.0023 milligrams per kilogram (mg/kg). Detected PCE concentrations in soil ranged from 0.0015 mg/kg to 0.0086 mg/kg. No other VOCs were detected above the laboratory reporting limits in the soil samples collected (TOR, 2016).

**12. 18 July 2016, TOR, *Limited Groundwater Quality Assessment, Southeast End of the Laguna Hills Mall, 24300 Laguna Hills Mall, Laguna Hills, California.* 70p.**

The purpose of this investigation was to evaluate groundwater in the vicinity of the former Sears department store in preparation for a redevelopment project. TOR installed temporary groundwater sampling wells in nine borings (GW-1, GW-2, SB-13, SB-15, SB-16, SB-18, SB-22, SB-32 and SB-42). One additional groundwater sample was collected directly from a pumping system (Pump 2) located in the basement of the Sears department store. GW-1 was located approximately 500 feet northwest of the former Sears Auto Center and 350 feet west-southwest of the former Sears department store (approximately 650 feet downgradient of the former Laguna Hills Cleaners facility). GW-2 was located approximately 850 feet north of the former Sears Auto Center and 300 feet north of the former Sears department store. Pump 2 was located inside the basement of the former Sears department store, approximately 385 feet north of the former Sears Auto Center. SB-13 was located downgradient of the location of the former clarifier associated with the Sears Auto Center. SB-15 and SB-16 were located downgradient of the Sears Auto Center and SB-18 was located downgradient of the location of the former UST associated with the former Sears Auto Center. SB-22, SB-32 and SB-42 were located inside the former Sears Auto Center in the area of the removed in-ground hydraulic lifts. The analytical results of the groundwater samples indicated that VOC concentrations were not detected above the laboratory reporting limits in the area of the former Sears Auto Center facility, in the basement of the Sears department store, nor in the two areas west and north of the building at GW-1 and GW-2. Based on the results of the investigation, TOR concluded that further investigation of the groundwater in the vicinity of the former Sears department store was not warranted.

**13. 27 July 2016, TOR, Limited Soil and Groundwater Assessment, Former Sears Auto Center, 24300 Laguna Hills, California 92653.**

In 2016, TOR completed an additional assessment of the former Sears Auto Center. Forty-two soil borings and 103 soil samples were collected at multiple depths between the ground surface and shallow groundwater. Grab groundwater samples were collected from seven temporary groundwater wells placed around the former locations of the underground lifts, oil/water clarifier and waste oil UST. Three concrete samples were collected adjacent to, and inside, the former battery storage room at the southwest end of the building.

Detected PCE concentrations in soil ranged from 0.0010 mg/kg (SB-38-11.5') to 0.0055 mg/kg (SB-5-5'). Groundwater samples were collected from seven locations in and around the former business. Concentrations of 4-isopropyltoluene (0.0063 mg/kg), n-propylbenzene (0.0022 mg/kg), and toluene (0.0019 mg/kg) were detected in soil sample SB-3-10'. No other VOCs were detected above laboratory reporting limits in any soil sample. Concentrations of Extended-Range Hydrocarbons carbon chains were also not detected in any soil sample. Lead at 264 mg/kg was detected in one concrete sample collected outside the battery storage room. Concentrations of VOCs or petroleum hydrocarbons were not detected in groundwater samples collected from seven locations in and around the former Sears Auto Center.

The report concludes that all primary sources of new/waste oil, gasoline, and solvents had been removed from the site. VOC and TPH impacts evaluated were not a threat to human health or groundwater and that one location identified with elevated lead should be properly removed and disposed when the building is demolished during redevelopment. TOR recommended a soil management plan be prepared for the planned redevelopment of the former Sears Auto Center site.

**14. 4 August 2016, Orange County California, City of Laguna Hills Lot Line Adjustment LLA 3-16-3493. 23p.**

This Lot Line Adjustment shows the current boundary of APNs 621-051-39 and 621-051-41.

**15. 25 May 2017, TOR, Phase I Environmental Site Assessment, Five Lagunas, 24099, 24100, 24155, 24196, 24200 and 24300 Laguna Hills Mall; 24001 Avenida De La Carlota; 23541 Calle De La Louisa; and 24032 El Toro Road, Laguna Hills, California 92653.**

TOR's Phase I ESA included the Subject Property and surrounding area. The Phase I ESA identified the following items of concern:

**Onsite RECs**

This Phase I ESA revealed the following RECs on the Subject Property:

- **Onsite Auto Service Facilities:** Two auto service facilities are currently operating the Subject Property: Firestone Complete Auto Care Center, and Just Tires. Currently, The two businesses are identified as historical oil or used oil underground storage tank (UST) operators. These facilities operate or operated in-ground hydraulic lifts, underground storage tanks and oil/water clarifiers that represent a *REC* for the Subject Property.
- **JC Penney Diesel Fuel UST:** Review of the EDR report indicates the historical presence of a 1,000-gallon diesel fuel UST associated with the JC Penney store. Due to the potential for residual impact from stored petroleum products, the presence of historical UST at the JC Penney facility represents a *REC*. (Note: this facility was later assessed and no USTs were found associated with the JC Penney building).

TOR recommended further investigation to evaluate the identified *RECs* at the property.

TOR completed a follow-up evaluation in 2019 of the JC Penney building and surrounding areas purposed at locating the EDR reported historical 1,000-gallon diesel fuel UST. Interviews of JC Penney facilities managers and physical review of on-site conditions and equipment in and around the building did not yield information suggesting the presence of an UST. TOR concluded based on this evaluation that no UST appeared to be present associated with this building. TOR notes that the alleged UST was not reported on the current EDR environmental radius map report (*Appendix A*).

16. **29 May 2017, R.A. Smith National, ALTA/NSPS Land Title Survey, Laguna Hills Mall, Laguna Hills, Calif.**
17. **27 July 2018, Orange County California, Tract No. 18115, Map Book 978, Pages 1-25.**

This tract map shows the current parcel boundaries for APNs 621-221-02 through -14.

18. **30 August 2019, TOR, Technical Memorandum: Limited Soil and Groundwater Assessment, Former JC Penney, 24200 Laguna Hills Mall, Laguna Hills, California 92653.**

This July 2019 soil and groundwater assessment was limited to sampling points immediately adjacent to the freight and passenger elevators in the JC Penney building. Soil sample analytical results revealed impacts of total petroleum hydrocarbons in the diesel and motor oil carbon ranges in excess of regulatory screening levels between 5 and 10 feet. Groundwater grab samples did not have concentrations of these compounds above analytical detection limits of 50 ug/L. This condition does not present a risk to human health or the environment under current conditions and the impacts may not be considered by regulators as requiring enforcement action; however, the elevators remain in use and equipment could further deteriorate if not repaired and soil impacts could expand if not cleaned up. **The JC Penney elevators represent a *REC* on the Subject Property.**

**19. 12 June 2020, First American Title Insurance Company, ALTA Commitment for Title Insurance, File No. NCS-849987-02E-ONT1.**

The updated ALTA Commitment for Title Insurance reports assessor parcels, property legal descriptions, easements, liens including environmental liens as well as activity use limitations and land use covenants associated with the property. No environmental liens or land use covenants were reported.

## Section 6: Agency Records Review

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TOR used the following agency sources to obtain information on the Subject Property and surrounding area:

- **California Department of Conservation, Geologic Energy Management Division (CalGEM):** According to the online Well Finder map, no oil and gas wells are present on or within 1/2-mile of the Subject Property (*Illustration 5*).
- **California Department of Water Resources:** geologic information.
- **State Water Resource Control Board (SWRCB):** hydrogeologic information.
- **State Water Resources Control Board (SWRCB) GeoTracker Database:** Information on the Subject Property and nearby facilities. The Subject Property is not listed on the SWRCB's GeoTracker database. A number of sites were identified adjacent and/or upgradient of the Subject Property. These sites were researched and TOR's review is summarized in *Section 3*. The GeoTracker map of the Subject Property and vicinity is provided in *Appendix I*. Select reports downloaded from GeoTracker are also included in *Appendix I*.
- **Department of Toxic Substance Control (DTSC) ENVIROSTOR Database:** No sites were identified on the Subject Property or in the immediate vicinity.
- **Orange County Health Care Agency Files:** Files concerning environmental conditions for the Sears Auto Center were not included in OCHCA's records.



## Section 7: Interviews and Subject Property Reconnaissance

### 7.1 Interview

Jeffrey Borum of TOR interviewed a representative of the current owner of the Subject Property, Mr. Michael Merlone, Environmental Project Manager for MGM, on 10 July 2020. Mr. Merlone indicated that he has overseen the Subject Property for two years. Mr. Merlone was unaware of any hazardous substance or petroleum product concerns on the Subject Property or vicinity, with the exception of the areas of concern identified and addressed by assessments and remedial actions conducted historically at the site and documented in the reports provided for this Phase I ESA. In addition, Mr. Merlone confirmed that Baroni Tailoring and Cleaners did not use PCE/TCE as required under their lease agreement. Information from the interview is included in the Summary Table below.

Zachary Gilmer of TOR performed the Subject Property reconnaissance on 22 July 2020. Visual observations noted during the ground reconnaissance are included in the table below. Photographs of Subject Property are included in *Appendix J*. TOR reviewed the publically accessible portions of the retail facilities, and the interior of the auto service facilities. TOR did not access the shipping and storage areas of the retail businesses at the Subject Property. At the time of the site reconnaissance, the mall was undergoing major renovation activities.

**Subject Property Reconnaissance Summary Table**

Feature / Characteristic	Y/N	Comments
Current Use of Subject Property	Y	Retail Shopping Center including two active auto service businesses.
Vacant Spaces / Undeveloped Areas / Wetlands	Y	No vacant portions of the Subject Property. However, the southern portion of the Subject Property was undergoing redevelopment
Landscaping ( <i>potential pesticide use</i> )	Y	Minor perimeter landscaping
Parking Lots / Structures ( <i>potential for vapor intrusion or chemical spills</i> )	Y	Parking is provided by asphalt-paved surface parking. No subsurface parking is present on the Subject Property.
<b>Previous Uses or Investigations</b>		
Concrete pads ( <i>associated with electrical systems or large machinery</i> )	Y	Transformers (SCE owned), irrigation controls, electrical installations.
Former Pump Islands	N	Not observed
Fill Ports ( <i>small manholes associated with USTs</i> )	Y	A suspect used oil fill port was noted in the floor on the south side of the Firestone Auto Center shop. This suspect fill port may have been associated with a former UST identified at the Firestone facility.
Vent Pipes ( <i>associated with USTs</i> )	N	None observed
Former Building Foundations	Y	Former Sears Auto Center
Drums and Containers	Y	Drums of used and new oil were noted at the auto service facilities.
Sumps	N	None observed

**Subject Property Reconnaissance Summary Table**

Feature / Characteristic	Y/N	Comments
Clarifiers	Y	In-ground restaurant grease interceptors and one auto service facility operate one in-ground clarifier or oil/water separator. Two additional clarifiers were located west of the Firestone Auto Care Center that appear to be associated with collection and pre-treatment of runoff from two refuse compactors located in this area. Due to the potential for releases from the clarifiers, the in-ground clarifiers represent a <i>REC</i> .
Hoists or Lifts ( <i>often associated with hydraulic fluids &amp; auto repair</i> )	Y	<p>Refuse compactors (5) were identified onsite. Although hydraulic oil staining was noted at the base of the compactor reservoir, the condition appeared to be a <i>de minimis</i> condition.</p> <p>The two auto service facilities currently operate (Firestone and Just Tires) in-ground hydraulic lifts. Due to the potential for leakage and subsurface petroleum impact, these in-ground lifts represent a <i>REC</i>.</p> <p>No other significant leaks or staining representing a <i>REC</i> were observed.</p>
Concrete / Asphalt patches	Y	Various concrete/asphalt patches were noted throughout the paved portion of the Subject Property. A concrete patch on the south side of the Firestone Auto Center is located on the other side of the wall from a suspect fill port and represents a <i>REC</i> as a suspected former UST location.
Monitor/Supply/Disposal Wells	Y	Onsite wells noted. Monitoring wells are associated with adjacent active and closed LUST sites (six facilities) to the north and are further discussed in Section 3.
<b>Containers / Containment</b>		
Aboveground Storage Tanks (ASTs)	Y	Used and new oil ASTs are maintained by the auto service facilities.
Underground Storage Tanks (USTs)	N	No currently in-use USTs were identified.
Hazardous Chemicals ( <i>Storage, Use, Disposal</i> )	Y	Hazardous chemical use in association with facility maintenance, janitorial service, and auto service and repair were noted onsite.
Petroleum Hydrocarbons	Y	Petroleum hydrocarbon use and storage associated with auto repair facilities was identified onsite.
Pesticide Usage or Storage	Y	Rodent traps
Unlabeled Containers/Substances	N	Not observed
Solid Waste Storage ( <i>i.e. bins</i> )	Y	Municipal waste managed in dumpsters.
Septic Tanks	N	Not observed
Berms ( <i>potential secondary containment</i> )	N	Not observed
<b>Potential Waste Disposal Systems / Containment</b>		
Waste Water Generation	Y	Domestic wastewater generated from sink/toilets was reported to be connected to the sanitary sewer.
Pits, Ponds, Lagoons	N	Not observed
Pools Of Liquid	N	Not observed
Floor Drains	Y	Connected to sewer
Drainage Systems ( <i>i.e. ditches</i> )	N	None observed

**Subject Property Reconnaissance Summary Table**

Feature / Characteristic	Y/N	Comments
Dumping or Filling Activities ( <i>i.e. soil or debris piles</i> )	N	Not observed
Roads And Trails With No Apparent Purpose ( <i>potential for illicit dumping</i> )	N	Not observed
<b>Potential Evidence for Chemical Impacts</b>		
Materials Spills	Y	Various spills of oils and lubricants were evident in the auto service facilities. Noted spilled materials appeared to be on concrete or paved surfaces in a condition that would prevent migration to the subsurface.
Unusually Stained or Corroded Pavement or Flooring	N	Staining typical of auto repair facilities and waste management activities was noted in the auto repair facilities and in the waste management areas.
Odors	N	Not observed
Air Emissions	N	Not observed
Interior water damage / mold ( <i>potential pathway for impacts</i> )	N	Water intrusion not indicated to be a problem at the site. Mold not observed.
Stained or Disturbed Soil	N	Not observed
Stressed Vegetation	N	Not observed
<b>Non ASTM items &amp; Miscellaneous</b>		
Electrical Transformers (PCBs)	Y	SCE pad-mounted transformers noted onsite, installed circa 1968 - 1977.
Florescent Lighting (PCBs)	Y	PCB content unknown (anticipated)
Suspect Asbestos-Building Materials	Y	Due to pre-1981 construction, Presumed Asbestos-containing Materials (PACM) is present onsite.
Water damage / Mold	N	Not observed
Suspect Lead-Based Paint	Y	Not tested, possible (1968 - 1977 construction date)
Fiber Optics Lines	N	Not observed
Pipelines	Y	EDR shows a pipeline traversing the northwest corner of the Subject Property
Heating Systems (associated with heating oil, gas, electric or steam radiators)	N	Not observed
High Voltage Power Lines/ Magnetic Fields	Y	Located along the southeaster property boundary.
Cellular Phone Tower	N	Not observed
Neighboring Dry Cleaners	Y	Nearest offsite dry cleaner identified is located approximately 300 feet to the south (downgradient).
Neighboring Property USTs	Y	Two currently operational adjacent gasoline stations as discussed in Section 3.
Any sites NOT listed in EDR? Incorrect addresses?	N	

## Section 8: Historical Materials of Concern

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### 8.1 Suspect Asbestos-Containing Materials

While the use of asbestos in the manufacture of most building materials has not been fully prohibited by law, the use of asbestos, for the most part, has voluntarily been discontinued since the late 1970s. Some non-friable materials, such as roofing material and floor coverings (floor tile and mastic) may have been manufactured with asbestos materials and may have been used into the early 1980s. Given that the Subject Property was first developed in approximately 1968, regulated asbestos materials are likely present. TOR was provided with documents issued in 1989 and 1992 that document ACM at the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall). No documentation regarding the removal of the identified ACMs were provided to TOR for review. Suspect materials should always be characterized, tested and planned for, monitored and documented as with any removal or maintenance activities involving ACMs.

### 8.2 Lead-based Paint

In 1978, the Consumer Products Safety Commission banned paint (LBP) and other surface coating materials containing lead. Because the property was first developed in approximately 1968, lead-based paint may be present associated with some structures. Documents provided to TOR indicate some of this material was tested and identified for operations and maintenance management; however, TOR is not aware of the status. Suspect materials should always be characterized, tested and planned for, monitored and documented as with any removal or maintenance activities involving LBP.

### 8.3 PCB Equipment

Polychlorinated biphenyls (PCBs) were historically used as coolants and lubricants in transformers, capacitors, and other electrical equipment beginning in 1929 because they do not burn easily and serve as a good insulating material, but have been phased-out of use since being banned in 1979. The transformers located onsite were maintained by the public electrical utility (SCE). The transformers appeared to be operable and no perimeter oil staining was noted at the time of the site visit. The transformers were not all clearly marked but may contain PCBs since they were installed beginning in 1968.

Fluorescent light fixtures were observed in the ceilings of the buildings as well as around the lighted parking lot areas. PCBs are known to be present in fluorescent light ballasts and electric transformers; although, there were no documented or observed releases of PCBs on the Subject Property at the time of the site visit. Proper handling and disposal procedures are required when handling these materials.

## 8.4 Radon

The Federal Environmental Protection Agency placed Orange County in Radon Zone 3 (indoor air average level less than two pCi/L). One federal test of radon for zip code 92653 in 1st floor living areas revealed a concentration of 2.200 pCi/L. The State Database CA Radon lists 111 tests within the 92653 zip code with five tests above 4 pCi/L. This information is not specific to the Subject Property and site-specific testing would be required to evaluate any risk from radon.

## 8.5 Mold

TOR did not (i) perform a mold/fungi inspection, (ii) perform any building material surface mold sampling, or (iii) perform air sampling for mold spores at the Subject Property as part of this Phase I ESA. The property is developed and includes air conditioner and refrigeration facilities that are sometime responsible for mold development. Any maintenance, renovation, or construction activities involving the structures should include inspections for mold development prior to initiation. Employee complaints or observations in this regard should also be investigated and appropriately mitigated for the protection of human health.

## Section 9: Conclusions and Recommendations

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TOR conducted the Phase I ESA in conformance within the scope and limitations of ASTM E1527-13 standard practice for environmental site assessments for the Village at Laguna Hills Mixed Use Redevelopment, located at 24099, 24100, 24155, 24196, 24200 and 24300 Laguna Hills Mall; 24001 Avenida De La Carlota; 23541 Calle De La Louisa; and 24032 El Toro Road, Laguna Hills, California 92653. Any exceptions or deletions from this practice are detailed in Section 10 of this report.

### 9.1 Conclusions

#### **Recognized Environmental Conditions (RECs)**

As defined by ASTM, a *REC* is “the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions.”

#### **Onsite RECs**

This Phase I ESA revealed the following *RECs* on the Subject Property:

- **On-site Auto Service Facilities:** Two auto service facilities are currently operating the Subject Property: Firestone Complete Auto Care Center and Just Tires. Currently, the two businesses are identified as historical oil or used oil underground storage tank (UST) operators. These facilities operate or operated in-ground hydraulic lifts that remain in place as well as underground storage tanks and oil/water separators. **These two auto service facilities represent a *REC* on the Subject Property.**
- **JC Penney Elevators:** In July 2019, soil and groundwater assessment was limited to sampling points immediately adjacent to the freight and passenger elevators in the JC Penney building. Soil sample analytical results revealed impacts of total petroleum hydrocarbons in the diesel and motor oil carbon ranges in excess of regulatory screening levels between 5 and 10 feet. Groundwater grab samples did not have concentrations of these compounds above analytical detection limits of 50 micrograms per Liter (ug/L). This condition does not present a risk to human health or the environment under current conditions and the impacts may not be considered by regulators as requiring enforcement action; however, the elevators remain in use and equipment could further deteriorate if not repaired and soil impacts could expand if not cleaned up. **The JC Penney elevators represent a *REC* on the Subject Property.**



### **Offsite RECs**

This Phase I ESA has revealed the following offsite *RECs* in connection with the Subject Property:

- **23991 El Toro Road**

**A Chevron gasoline station** is located at the west corner of El Toro Road and Avenida De La Carlota, adjacent to the north (upgradient) of the Subject Property. This gasoline station is located adjacent to the In-N-Out Burger/King's Fish House. The Site is listed multiple times on the HIST UST, CERS, UST, LUST, and HIST CORTESE databases and also on the SWEEPS UST, SEMS-ARCHIVE, RCRA NONGEN/NLR, CORTESE, ENF, CERS HAZ WASTE, CERS TANKS, HAZNET, CIWQS, HWTS, CA FID UST, and EDR HIST AUTO databases. The databases indicate that the facility is an open leaking underground storage tank (LUST) case, with a fuel release that has impacted soil and groundwater. Review of reports available on GeoTracker, indicate that MTBE, a fuel oxygenate, and naphthalene, a polycyclic aromatic hydrocarbon, have impacted and remain in groundwater monitoring wells on the Subject Property (Atlas, 2020; *Appendix I*). Additionally, a low potential vapor encroachment condition (VEC) exists due to the proximity of the adjacent active LUST site and known groundwater impacts at the Subject Property. However, based on the low concentrations of the constituents of concern identified in the on-site monitoring wells, it is unlikely that indoor air quality inside the existing Subject Property structures would pose a risk to human health. The case was reviewed in December 2019 by the State Water Resources Control Board (SWRCB) and was found to meet all the required criteria for Low-Threat Underground Storage Tank (UST) Case Closure Policy. The SWRCB's recommendation included two additional semi-annual monitoring events to confirm groundwater plume stability and then reevaluation for case closure. Since groundwater sampling in the last half of 2019 indicates groundwater beneath the Subject Property remains impacted, **the adjacent Chevron gasoline station represents an off-site *REC* on the Subject Property.**

### **Historical Recognized Environmental Conditions (HRECs)**

As defined by ASTM, an *HREC* is: "a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

This Phase I ESA has revealed no *HRECs* in connection with the Subject Property.

### **Controlled Recognized Environmental Conditions (CRECs)**

As defined by ASTM, a *CREC* is: “a *REC* resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).”

This Phase I ESA revealed the following *CRECs* on the Subject Property:

- Two Leaking Underground Storage Tank (LUST) sites associated with gas stations north of the Subject Property were identified during this Phase I ESA located at 24081 and 24082 El Toro Road. Both cases were closed with remaining contamination shown to extend onto the Subject Property. Current conditions are not known and should be considered in preparation for management of groundwater in accordance with environmental and 2017 South Orange County's Hydromodification Requirements should it be affected or encountered during redevelopment. Additional information pertaining to these properties is provided in Section 3.

### **Notable Findings**

Findings that are not *RECs*, *HRECs*, or *CRECs*, but do have some potential to affect the Subject Property in the context of environmental due diligence are identified as *Notable Findings* for the purpose of this report.

This Phase I ESA has revealed the following *Notable Findings* in connection with the Subject Property:

- **Former Sears Auto Center:** The former Sears Auto Center was a vehicle maintenance facility on the south side of the Subject Property that was decommissioned in 2014. Evaluations of soil gas, soil, and groundwater were completed in 2015 and 2016. Detected PCE concentrations in soil gas ranged from 0.385 ug/L to 1.89 ug/L. Ethylbenzene was detected in one soil gas sample and xylenes were detected in three soil gas samples. Concentrations of total petroleum hydrocarbons as gasoline-range organics (TPH-g) detected in soil gas ranged from 2.68 ug/L to 51.0 ug/L; however, volatile constituents such as benzene and toluene were not detected. Detected PCE concentrations in soil ranged from 0.0010 mg/kg to 0.0055 mg/kg. The report concludes that all primary sources of new/waste oil, gasoline, and solvents had been removed from the site. These compounds were not detected in groundwater samples from seven locations in and around the facility. There was one location on surface concrete identified with elevated lead that should be properly removed and disposed during the redevelopment.

TOR recommended a soil management plan be prepared for the planned redevelopment of the former Sears Auto Center site to identify, isolate and remove impacted soil and concrete as well as redistribute other soils in compliance with regulatory issues like South Orange County's Hydromodification Requirements. The historic presence of the Sears Auto Center on the Subject Property is considered a *Notable Finding*.

- **Laguna Hills Cleaners:** The former Laguna Hills Cleaners at 23521 Calle De La Louisa (currently Nordstrom Rack/Body Works Gym & Spa) was formerly located on the western portion of the Subject Property. The dry-cleaning business reportedly ceased operating in 1994 and the building was demolished as a part of a redevelopment of the parcel in 2003. The earth work completed in preparation for the new structure (Nordstrom Rack/Body Works Gym & Spa) involved extensive excavation, soil mixing, soil redistribution and re-grading of the soil beneath the former cleaner. Dry cleaning impacts to soil were not documented in the historic information reviewed during the completion of this Phase I ESA. In June 2016, TOR conducted a groundwater investigation on the south end of Subject Property and cross- to downgradient from the former location of the dry-cleaning facility. The results of the investigation revealed that the groundwater downgradient of the former dry cleaners did not contain any volatile organic compounds (VOCs) above the laboratory reporting limits. The potential for the historic Laguna Hills Cleaners to have impacted soil and groundwater beneath the Subject Property appears low. Redevelopment soil management plans for this area should address further evaluation of this former source to comply with residential standards as well as South Orange County's Hydromodification Requirements to mitigate potential issues. The presence of the former dry cleaner is considered a *Notable Finding*.
- **Macy's building:** The former Macy's building at 24100 Laguna Hills Mall (currently Open Market OC) contains elevators that have the potential to leak hydrocarbon oils into the adjacent soil and groundwater. These oils in soil at depth are not a health risk and are not considered highly mobile in the subsurface, although in some instances they can impact groundwater. California's Health and Safety Code 25250.4 requires that used oil of any kind be managed as a hazardous waste. Used oil itself (not mixed with anything else) is not deemed a listed hazardous waste by the United States EPA. Nevertheless, the Macy's elevators have yet to be evaluated. Soil management during redevelopment is recommended to address impacted soil as appropriate based on findings during excavation. The presence of the elevators is considered a *Notable Finding*.
- **Asbestos-containing Materials (ACMs) Identified Onsite:** Historical asbestos surveys have identified the presence of asbestos in various building materials within the Village at Laguna Hills (formerly Five Lagunas, formerly Laguna Hills Mall) existing structures. The evaluation of the current presence or condition of asbestos-containing materials was outside of the scope of this Phase I ESA; however, the historical presence of asbestos-containing building materials onsite is considered a *Notable Finding*.

## 9.2 Recommendations

Based on the conclusions provided above, TOR recommends further investigation, management, and cleanup of soil and groundwater in accordance with environmental regulations, including compliance with the 2017 Regional Water Quality Control Board Hydromodification Requirements, when addressing these identified issues:

- Just Tires and Firestone auto maintenance facilities include underground hydraulic lifts, underground oil/water clarifiers, suspect underground storage tanks, new/waste oil storage, solvent stations, oil filter storage, and battery storage.
- JC Penney building elevators were evaluated and have leaked hydraulic oil impacting adjacent soil.
- Macy's building has passenger and freight elevators that have not yet been assessed for leakage.
- Chevron gasoline station, adjacent and upgradient at 23991 El Toro Road, is an open LUST case. Groundwater beneath the Subject Property remains impacted by low concentrations of fuel hydrocarbons.

## Section 10: Deviations

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No deviations from the ASTM E1527-13 standard practice for environmental site assessments were made during the preparation of the Phase I ESA portion of this report.

The history of the Property was researched back to the first developed use, which occurred sometime between 1914 (vacant and undeveloped/unimproved) and 1967 when the construction of some of the current structures were noted on the Subject Property. Based on this data, there is no data failure that represents a *REC* for the Subject property.

When conducting the historical review, intervals of not greater than five years were researched, unless the use of the Property was unchanged over a period of longer than five years. Based on the available data, there were gaps that did exceed the 5-year interval. However, these gaps did not significantly impact the assessor's ability to identify a satisfactory history of Subject Property use and the potential for impacts from to the Subject Property.

No further historical data sources were evaluated, because: (1) they were not *reasonably ascertainable*, and/or (2) the assessor's experience indicates that additional available sources were not likely to be sufficiently useful, accurate, or complete in terms of satisfying the historical research objectives. Based on these two criteria, no attempt was made to evaluate the following historical sources:

- Recorded Land Title Records
- Property Tax Files
- Zoning/Land Use Records
- Other Historical Sources, including miscellaneous maps, newspaper archives, Internet sites, community organizations, local libraries, historical societies, and current owners/occupants of neighboring parcels.

## Section 11: References

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### Published References

- January 1967, Orange County, California, Clerk-Recorder (Orange Co Clerk-Recorder),** Tract Map No. 6106, Map Book 232, Pages 6-10. Recorded 2 March 1967. 5p.
- March 1973, Orange County, California, Tax Assessor (Orange Co Assessor),** Tax Assessor Parcel Map 621-05. 1p.
- 13 July 1973, Orange County Assessor,** Deed of Easement No. 110, Rossmoor Water Company for installation and maintenance of a 16-inch asbestos cement water main. 7p.
- 29 September 1989, Certified Environmental and Testing (CET),** Asbestos Survey at the Laguna Hills Mall and Laguna Hills Shopping Center, Laguna Hills, California. 122p.
- 14 August 1992, CTL Environmental Services (CTL),** Asbestos Survey Report for Buffums, 24231 Laguna Hills Mall, Laguna Hills, CA 92653. 65p.
- September 1992, Various Authors,** Comments on Laguna Hills EIR. 51p.
- 1994 – 1995, Various Authors,** Correspondence and Legal Documents Regarding Shopping Center Associates v. HomeFed Bank, et. al. 193p.
- 5 September 1997, EMG,** Phase I Environmental Site Assessment of Laguna Hills Mall, 24155 Laguna Hills Mall, Laguna Hills, California 92653. 195p.
- 1 October 1997, EMG,** File Review, Laguna Hills Mall, 24155 Laguna Hills Mall, Laguna Hills, California 92653. 121p.
- 26 February 2004, Orange County Health Care Agency (OCHCA),** Case Closure Summary, Leaking Underground Fuel Tank Program, American Savings Bank/Former Mobil Station 99-384, 24085 El Toro Road, Laguna Hills, CA. 5p.
- 15 April 2005, SAIC,** Submittal of 1<sup>st</sup> Quarter Groundwater Monitoring and Progress Report, Former Chevron Service Station No. 9-9384, 24081 El Toro Road, Laguna Hills, California, OCHCA Case No. 85UT106. 91p.
- 21 April 2005, OCHCA,** Case Closure Summary, Leaking Underground Fuel Tank Program, Former Chevron Station No. 9-9384, 24081 El Toro Road, Laguna Hills, CA. 5p.
- 27 July 2005, AllWest,** Environmental Site Assessment, Parking Lot, Laguna Hills Mall, Southwest Portion of Orange County Assessor Parcel No. 621-051-33 (24300 Calle De La Louisa), Laguna Hills, California. 26p.
- 18 July 2006, TRC,** Revised Vapor Survey and Groundwater Evaluation Report, 76 Station 5408, 24082 El Toro Road, Laguna Hills, California. 115p.



- 18 January 2007, TRC, Quarterly Monitoring Report, October Through December 2006, 76 Station 5408, 24082 El Toro Road, Laguna Hills, California.** 197p.
- 18 January 2007, OCHCA, Remedial Action Completion Certification and Case Closure Summary, Unocal/76 Station No. 5408, 24082 El Toro Road, Laguna Hills, CA.** 5p.
- 18 April 2016, TOR, Limited Soil and Soil Gas Assessment, Former Sears Auto Center, 24300 Laguna Hills Mall, Laguna Hills, California.** 68p.
- 18 July 2016, TOR, Limited Groundwater Quality Assessment, Southeast End of the Laguna Hills Mall, 24300 Laguna Hills Mall, Laguna Hills, California.** 70p.
- 27 July 2016, TOR, Limited Soil and Groundwater Assessment, Former Sears Auto Center, 24300 Laguna Hills Mall, Laguna Hills, California 92653.**
- 4 August 2016, Orange County California Clerk- Recorder (Orange Co Clerk-Recorder), City of Laguna Hills Lot Line Adjustment LLA 3-16-3493.** 23p.
- 16 May 2017, Environmental Data Resources, Inc. (EDR), EDR Building Permit Report.** 99p.
- 16 May 2017, EDR, The EDR-City Directory Image Report.** 83p.
- 17 May 2017, EDR, EDR Environmental Lien and AUL Search.** 32p.
- 25 May 2017, TOR, Phase I Environmental Site Assessment, Five Lagunas, 24099, 24100, 24155, 24196, 24200 and 24300 Laguna Hills Mall; 24001 Avenida De La Carlota; 23541 Calle De La Louisa; and 24032 El Toro Road, Laguna Hills, California 92653.** 3,670p.
- 29 May 2017, R.A. Smith National, ALTA, NSPS Land Title Survey, Laguna Hills Mall, Laguna Hills, Calif.** 10p.
- 27 July 2018, City of Laguna Hills (Laguna Hills), Tract No. 18115, Map Book 978, Pages 1-25.** 25p.
- 1 January 2019, Orange County California Tax Assessor (Orange Co Assessor), Tax Assessor Parcel Maps 621-05, 621-14, and 621-22. Current assessor parcel maps as of April 2020.** 3p.
- 30 August 2019, TOR, Technical Memorandum: Limited Soil and Groundwater Assessment, Former JC Penney, 24200 Laguna Hills Mall, Laguna Hills, California 92653.** 65p.
- December 2019, State Water Resources Control Board (SWRCB), Review Summary Report - Additional Work, First Review - December 2019, Wright Petroleum (G&M Oil Company Station #40), 23991 El Toro Road, Laguna Hills, CA 92667.** 3p.
- 15 January 2020, EDR, The EDR Property Tax Map Report.** 2p.
- 16 January 2020, EDR, Certified Sanborn Map Report.** 2p.

- 16 January 2020, EDR, EDR Historical Topo Map Report with QuadMatch.** 11p.
- 16 January 2020, EDR, The EDR Aerial Photo Decade Package.** 16p.
- 16 January 2020, EDR, The EDR-City Directory Image Report.** 31p.
- 27 February 2020, Atlas Environmental Engineering, Inc. (Atlas), G&M Oil Company Station #40, 23991 El Toro Road, Laguna Hills, California, Semi-Annual Self-Monitoring Report - July 2019 to December 2019, Groundwater Remediation System, MRP #R8-2013-0029-010.** 226p.
- 19 March 2020, Arcadis, Second Semi-Annual 2019 Groundwater Monitoring Report, The Shops at Lake Forest, 24312 - 24422 Rockfield Boulevard, Lake Forest, California SL208213876.** 138p.
- 12 June 2020, First American Title Insurance Company, ALTA Commitment for Title Insurance, File No. NCS-849987-02E-ONT1.**
- 17 June 2020, EDR, The EDR Radius Map Report with GeoCheck.** 1013p.

## Electronic References

- California Department of Conservation, Geologic Energy Management Division (CalGEM):  
<https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx>
- California Department of Toxic Substances Control (DTSC) EnviroStor:  
<http://www.envirostor.dtsc.ca.gov/public/>
- California State Water Resources Control Board (SWRCB) GeoTracker:  
<http://geotracker.waterboards.ca.gov>
- Google Earth, images of the Subject Property in 2016, 2017, and 2018.
- Orange County Survey/Public Works (OC Survey/PW):  
<http://www.ocpublicworks.com/survey/products/records>

## Section 12: Signature of Environmental Professional

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I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental professional as defined in Section 312.10 of 40 CFR 312 and I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

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**Jeffrey D. Borum, P.G.**

Date: 31 July 2020