IV. Environmental Impact Analysis
E. Hazards and Hazardous Materials

1. Introduction

This section of the Draft EIR provides an analysis of the proposed Project's potential impacts with regard to hazards and hazardous materials. The analysis is based on the *Phase I Environmental Site Assessment Update Report* (Phase I ESA) prepared by Citadel Environmental Services, Inc. (May 24, 2016), included as Appendix D of this Draft EIR.

2. Environmental Setting

a. Regulatory Framework

The regulations governing the storage and handling of hazardous materials are complex, with a varying degree of overlap associated with existing federal, state, and local programs. In general, applicable laws and regulations are aimed at hazardous materials inventory and emergency response planning, risk planning and accident prevention, employee hazard communication, public notification of potential exposure to specific chemicals, and storage of hazardous materials, including aboveground storage tanks (AST) and underground storage tanks (UST). A description of the major policies and programs regulating hazardous materials storage and handling applicable to activities at the Project Site and in the Project vicinity is provided below.

(1) Hazardous Materials Use, Storage, and Management

(a) Emergency Response and Community Right-to-Know Act (Superfund Amendments and Reauthorization Act, Title III)

In 1986, Congress adopted the Emergency Planning and Community Right-to Know Act (42 United States Code (USC) Sections 11001–11050) as Title III of the federal Superfund Amendments and Reauthorization Act. The federal Emergency Planning and Community Right-to Know Act establishes reporting and planning requirements for businesses that handle or store specified hazardous materials. These reports and plans provide federal, state, and local emergency planning and response agencies with information about the amounts of materials that businesses use, release, and/or spill. They also provide the public with information about potential hazards in their communities.

In California, many of the requirements of the Emergency Planning and Community Right-to-Know Act overlap with regulations adopted under the California Health and Safety Code, Chapter 6.95, Section 25500 *et seq.*, which are discussed below. The Emergency Planning and Community Right-to-Know Act consists of four separate programs, including:

- Planning for emergency response (Sections 301 to 303);
- Reporting leaks and spills (Section 304);
- Reporting hazardous materials inventories (Sections 311 and 312); and
- Annual reporting of total releases of specified "toxic chemicals" (Section 313).

(b) Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

Senate Bill 1082 (1994) established the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program. The Health Hazardous Material Division (HHMD) of the Los Angeles County Fire Department (LACFD) is a Certified Unified Program Agency. The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program consolidates and coordinates the six state programs that regulate business and industry's use, storage, handling, and disposal of hazardous materials and hazardous wastes. The Certified Unified Program Agency requirements include submittal of the following:

- Business Information Form;
- Hazardous Materials System BP-8 Computer Listing of Inventory Submitted;
- Annual Inventory Update Form; and
- Regulated Substance Registration Form.

(c) California Health and Safety Code, Chapter 6.95 Hazardous Materials Release and Response Plans and Inventory (Section 25500 et seq.)

Businesses in California that handle hazardous materials are required to comply with California Health and Safety Code (HSC) Sections 25500-25519. Basic requirements of hazardous materials planning under HSC Section 25505 include the development of detailed inventories of the hazardous materials used and stored on-site, a program of employee training for hazardous materials release response and the identification of emergency contacts and response procedures. HSC Section 25507 specifies the following reporting thresholds for hazardous materials:

- 55 gallons of a liquid;
- 500 pounds of a solid;
- 200 cubic feet of a compressed gas measured at standard temperature and pressure; and
- For radioactive materials, the quantity for which an emergency plan is required under federal or state regulations.

Any facility that meets minimum thresholds for any of the established categories listed above must comply with the reporting requirements using the California Environmental Reporting System and file a business emergency plan with the local administering agency. For the Project Site, the local administering agency is the HHMD of the LACFD, which provides a Compliance Guideline for Hazardous Wastes and Materials. The business plans must include the facility's inventory of hazardous materials handled, an emergency response plan for actual or threatened releases, an employee-training program, and a facility map displaying the locations of reportable hazardous materials.[1]

HSC Sections 25531-25543.3 require risk planning and accident prevention provisions for facilities that use or store Acutely Hazardous Materials. Acutely Hazardous Materials (known as Extremely Hazardous Substances under the Emergency Planning and Community Right-to-Know Act) are defined as any chemical designated as an extremely hazardous substance in the Code of Federal Regulations (CFR), Title 40, Part 355 (40 CFR 355), Appendix A. Under HSC Section 25534, facilities that store or utilize certain types and quantities of hazardous materials may be required to develop Risk Management Plans. Risk Management Plans include management, engineering, and safety studies, as well as the construction of physical improvements, if warranted, designed to minimize the potential for hazardous materials accidents and, if an accident does occur, to minimize the impacts of such an event. Risk Management Plans are process-specific rather than project-specific. As such, they focus on the use of hazardous materials in various operations. For processes that use quantities of hazardous materials at or above the thresholds defined by HSC Sections 25531–25543.3, a Risk Management Plan must be prepared. Quantity thresholds as defined under the bill vary for different hazardous constituents. Risk Management Plans are required to be updated every three years for continuing operations or whenever the process changes to the extent that the current Risk Management Plan does not reflect the revised process.

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[1] *County of Los Angeles Fire Department, Health Hazardous Materials Division, Compliance Guideline for Hazardous Wastes and Materials, revised December 2009.*

The State Office of Emergency Services has delegated authority to local agencies to administer HSC Section 25000 *et seq.* In the City of West Hollywood (City), LACFD issues permits for hazardous materials handling in accordance with the HSC Sections 25531–25543.3, enforces HSC Sections 25500–25519, and administers the applicable sections of Title 32, Fire Code, of the Los Angeles County Code. Any business handling hazardous materials (as defined in Section 25500 of California HSC, Division 20, Chapter 6.95) is required to obtain a local fire department permit and register the business as a hazardous materials handler.

(d) Federal and California Occupational Safety and Health Acts

Federal occupational safety and health regulations also contain provisions with respect to hazardous materials management. The applicable federal law is the Occupational Safety and Health Act of 1970, as amended, which is implemented by the Occupational Safety and Health Administration (OSHA) (29 USC, Sections 651–678). Federal Occupational Safety and Health Act requirements, set forth in 29 CFR Section 1910 *et seq*., are designed to promote worker safety, worker training, and worker right-to-know. A major component of the federal regulations is the requirement that employers implement the Occupational Safety and Health Act Hazard Communication Standard to provide information to employees about the existence and potential risks of exposures to hazardous substances in the workplace. As part of the Hazard Communication Standard, employers must:

- Obtain material safety data sheets from chemical manufacturers which identify the types and handling requirements of hazardous materials used in given areas;
- Make the material safety data sheets available to their employees;
- Label chemical containers in the workplace;
- Develop and maintain a written hazard communication program; and
- Develop and implement programs to train employees about hazardous materials.

Employers are also required to train a team of employees to appropriate federal Occupational Safety and Health Act-defined levels, to respond to accidental releases of hazardous materials, and, as appropriate, to retain on-call contractors to perform hazardous materials accidental release responses (29 CFR Section 1910.120, Hazardous Waste Operations and Emergency Response Standards).

Since the State of California has a state plan with provisions at least as stringent as those required by the Occupational Safety and Health Act, the United States Department of

Labor has delegated the authority to administer the Occupational Safety and Health Act regulations to the state. The California Occupational Safety and Health Act program (codified in the California Code of Regulations (CCR), Title 8 and in the Labor Code Sections 6300–6719) is administered and enforced by the Division of Occupational Safety and Health, a unit of California's Department of Industrial Relations.

The California Occupational Safety and Health Act is similar to the federal program. In addition to the provisions identified above, the California Occupational Safety and Health Act requires employers to implement a comprehensive, written Injury and Illness Prevention Program. An Injury and Illness Prevention Program is an employee safety program that covers the full range of potential workplace hazards, including those associated with hazardous materials.

(e) Safe Drinking Water and Toxic Enforcement Act

The California Safe Drinking Water and Toxic Enforcement Act (27 CCR Section 25000 *et seq*.), also known as Proposition 65, was developed to improve public health through measures intended to reduce the incidence of cancer and adverse reproductive outcomes that might result from exposure to potentially hazardous chemicals. Proposition 65 requires the following:

- The creation of a list of chemicals and substances, and the levels at which they are believed to have the potential to cause cancer or deleterious reproductive effects in humans;
- Restriction of discharges of listed chemicals into known drinking water sources at levels above the regulatory levels of concern;
- Public notification of any unauthorized discharge of hazardous waste;
- A clear and understandable warning given prior to a known and intentional exposure to a listed substance; and
- Establishment of a right of action for private citizens and a separate set of notice requirements for "designated government employees" and counties.

Though Proposition 65 is enforced by the County of Los Angeles Health Officer, the law can also be enforced by state or local government prosecutors (i.e., State Attorney General, County District Attorney, and City Attorney).

(f) California Radiation Control Regulations

The California Radiation Control Regulations (17 CCR Division 1, Chapter 5, Subchapter 4) include standards for the protection against radiation hazards. The Los Angeles County Department of Health Services, on behalf of the State Department of Health Services, has the primary responsibility for administering these standards, which apply to both employers and employees. Standards include procedures regarding the proper use, storage/labeling, training, waste management and disposal, and emergency release of a regulated source of radiation.

(g) Uniform Fire Code

Additional requirements pertaining to hazardous materials management are set forth in the Uniform Fire Code. The Uniform Fire Code regulates the types, configuration, and quantities of hazardous materials that can be stored within structures. The Uniform Fire Code also regulates the storage of hazardous materials (e.g., storage tanks) in outdoor areas. These regulations are implemented by LACFD through regular inspections of on-site operations and through issuance of notices of violation in cases where storage facilities do not meet code requirements. In addition to regulations governing hazardous materials handling, there are reporting requirements associated with a hazardous materials release. These reporting provisions require, in some instances, notification of the local CUPA (i.e., LACFD), the State Office of Emergency Services, and National Response Center, if warranted.

(h) City of West Hollywood General Plan Safety Element

The City's General Plan Safety Element (adopted on September 6, 2011) includes policies related to the City's response to hazards and natural disasters and represents the long-range emergency response plan for the City. The General Plan Safety Element seeks to address the protection of people from unreasonable risks associated with natural disasters (e.g., fires, floods, and earthquakes) and reduce future losses of life, injuries, and socioeconomic disruption from other safety issues, including the management of hazardous materials. Policies relevant to the proposed Project are as follows:

- SN-1.6: Utilize relevant data on natural hazards, including earthquakes, flooding, liquefaction, landslides, natural gas, and subsurface methane gas, and apply this information for purposes of land use planning, including any permitting.

- SN-1.7: Maintain the West Hollywood Emergency Plan (2009), including plans for police and fire services, vulnerable populations, and sensitive facilities, as well as plans for the continuity of the community and important networks following a significant disaster.

- SN-2.1: As feasible, continue to avoid toxic cleaning and building materials and products in civic facilities and services to avoid health impacts to building occupants, visitors, maintenance crew, and to minimize environmental pollution to the soil, air, and water from material production and disposal.

- SN-2.2: Provide information, opportunities, and incentives to the community for proper disposal of toxic materials to avoid environmental degradation to air, soil, and water resources from toxic materials contamination.

- SN-2.3: Encourage non-toxic materials and products in homes and businesses as an alternative to products containing potentially hazardous materials, including cleaning products, personal care products, storage and packaging products, furnishings, as well as foodstuffs to minimize the community's exposure to petrochemicals, volatile organic compounds, fertilizers, pesticides, and other chemicals suspected of causing cancer, reproductive toxicity or other health-related concerns.

(2) Hazardous Waste Generation, Handling, and Disposal

(a) Federal Resource Conservation and Recovery Act and California Hazardous Waste Control Law

The federal Resource Conservation and Recovery Act (RCRA) (42 USC Sections 6901–6992k) regulates the generation, transportation (through standards applicable to transporters of hazardous waste), treatment, storage, and disposal of hazardous waste. Under the RCRA regulations, hazardous wastes must be tracked from the time of generation to the point of disposal. The RCRA program also establishes standards for hazardous waste treatment, storage, and disposal units, which are intended to have hazardous wastes managed in a manner that minimizes present and future threats to the environment and human health. At a minimum, each generator of hazardous waste must register and obtain a hazardous waste activity identification number. If hazardous wastes are stored for more than 90 days or treated or disposed of at a facility, any treatment, storage, or disposal unit must be permitted under the RCRA.

The RCRA classifies users that generate greater than 1,000 kilograms (approximately 2,205 pounds) per month of non-acutely hazardous waste as "large quantity generators." Large-quantity generators are subject to the life cycle hazardous waste management requirements of the RCRA. The RCRA requires large quantity generators to maintain inspection logs of hazardous storage locations, records of the quantity of hazardous waste being generated and stored on-site, manifests of pick-ups of these wastes from the site by licensed hazardous waste transporters, and records from the licensed treatment/storage/disposal facilities which receive and ultimately treat or dispose of the waste.

The RCRA allows individual states to develop their own programs for the regulation of hazardous waste as long as they are at least as stringent as the federal act. The State of California has developed the California Hazardous Waste Control Law (HSC Section 25100 *et seq*.; 22 CCR Section 66260.1 *et seq*.), which is modeled closely after the RCRA and is the primary statute establishing requirements that govern RCRA and non-RCRA hazardous waste. Unlike the RCRA, the Hazardous Waste Control Law does not recognize a threshold below which generators are exempt from some or all of the Hazardous Waste Control Law requirements.

The United States Environmental Protection Agency (USEPA) has delegated RCRA enforcement to the State of California. Primary authority for the statewide administration and enforcement of Hazardous Waste Control Law rests with the CalEPA's Department of Toxic Substances Control (DTSC). The DTSC is responsible for and/or provides oversight for contamination cleanup and administers statewide hazardous waste reduction programs. DTSC operates programs to accomplish the following: (1) deal with the aftermath of improper hazardous waste management by overseeing site cleanups; (2) prevent releases of hazardous waste by ensuring that those who generate, handle, transport, store, and dispose of wastes do so properly; and (3) evaluate soil, water, and air samples taken at sites.

The DTSC has delegated to local agencies the authority to inspect and regulate hazardous waste generators. As previously indicated, LACFD is a CUPA under the Unified Program.

Both the RCRA and the Hazardous Waste Control Law require businesses to prepare biennial hazardous waste reports that identify the nature and quantity of each type of hazardous waste generated and the treatment, disposal method, and facilities used for each waste (40 CFR 262.41(a) and 22 CCR 66262.41). These reports must be submitted to the DTSC.

(b) Federal Occupational Safety and Health Act and California Occupational Safety and Health Act

The federal Occupational Safety and Health Act and California Occupational Safety and Health Act regulations also contain worker safety provisions with respect to routine hazardous waste management operations and emergency responses involving hazardous wastes. The provisions are included in the Hazardous Waste Operations and Emergency Response Standard (29 USC sec 651 *et seq*.; 29 CFR 1910.120; 40 CFR 311), which requires a written health and safety program, worker training, emergency response training, medical surveillance, and measures to reduce worker exposure to hazardous waste.

(c) Uniform Fire Code

The Uniform Fire Code regulates hazardous waste storage facilities through regular site inspections by the LACFD and through the issuance of notices of violations in cases where storage facilities do not meet code requirements.

(3) Underground Storage Tanks

(a) Resource Conservation and Recovery Act, Subtitle I

In 1984, Congress adopted a national UST regulatory program (42 USC 6991 *et seq*.), commonly referred to as Subtitle I of the RCRA. Regulations implementing this program are found at 40 CFR 280. Subtitle I authorized the USEPA to issue regulations establishing construction standards for new UST installations (those installed after December 22, 1988), as well as strict standards for:

- Upgrading existing USTs and associated piping;
- New UST installations;
- Corrosion protection for USTs and piping;
- Spill and overfill protection and for USTs that contain substances other than petroleum, secondary containment methods to detect and contain leaks and leak detection for associated piping;
- Leak detection and reporting of releases and corrective actions;
- On-site practices and record keeping;
- UST closure standards; and
- Financial responsibility.

After 1998, all nonconforming USTs were required to be upgraded or closed.

(b) California Code of Regulations and California Health and Safety Code

Prior to the adoption of the federal UST regulatory program, the State of California initiated the regulation of USTs storing hazardous substances in 1983. The State of California has since further defined the federal laws and regulations related to the USTs program. The California HSC, Division 20, Chapter 6.7, governs the UST program and regulates the program in CCR Title 23, Division 3, Chapter 16 and Chapter 18. The various elements regulated by the state's UST program include:

- Registration of USTs;
- Permitting for USTs;
- Establishment of UST construction and operational standards;
- Installation of leak detection systems and/or monitoring of USTs for leakage;
- Establishment of UST closure requirements;
- Licensing of UST contractors;
- Establishment of financial responsibility requirements;
- Release of reporting/corrective action; and
- Enforcement.

The state's UST program has been amended frequently to incorporate the federal requirements. As with the federal standards, the state's UST program required that all tanks have leak detection, corrosion protection, and spill and overflow devices by December 1998. USTs that did not meet the 1998 requirements were required to be immediately retrofitted or removed. One notable difference between the federal and state regulations is that under the state's UST program, the demarcation date between "existing" and "new" USTs is January 1, 1984 (as opposed to December 22, 1988).

Oversight of the statewide UST program is assigned to the State Water Resources Control Board (23 CCR Section 2610 *et seq*.). The administration of the UST regulatory and permit program is performed by local agencies. The administration of the UST program within the City is performed by the LACFD. The responsibility for oversight of leaking USTs lies with the California Regional Water Quality Control Board—Los Angeles Region. The City's UST regulations are contained in Section 19.20.070 of the West Hollywood Municipal Code (WHMC).

(4) Aboveground Storage Tanks

(a) Aboveground Petroleum Storage Act

In 1989, California established the Aboveground Petroleum Storage Act instituting a regulatory program covering ASTs containing specified petroleum products (HSC Sections 25270–25270.13). The Aboveground Petroleum Storage Act applies to a facility if it has a storage capacity of 10,000 gallons or more or is subject to oil pollution prevention and response requirements under 40 CFR Part 112 (40 CFR 112) of the Clean Water Act. Oil pollution prevention requirements must be met if the facility has a cumulative aboveground

storage capacity of 1,320 gallons or more of oil and may reasonably be expected to discharge oil in harmful quantities into navigable waters. The DTSC regulations may apply if ASTs contain hazardous waste and are stored longer than 90, 180, or 270 days (depending on other criteria). Each owner or operator of a regulated AST facility must also file biennially a storage statement with the State Water Resources Control Board.

As noted above, the Spill Prevention Control and Countermeasure Plan is intended to minimize the potential for accidental release of oil or petroleum products into or upon the navigable waters of the United States or adjoining shoreline. Groundwater monitoring may also be required if the tank exterior surface, connecting piping, and the floor directly beneath the tank cannot all be monitored by direct viewing. Notification to the state Office of Emergency Services is required immediately upon discovery of any spill or release of 42 gallons or more of petroleum (HSC Section 25270.8). Currently, the responsibility for inspecting ASTs and ensuring that Spill Prevention Control and Countermeasure Plans have been prepared lies with the California Regional Water Quality Control Boards.

(5) Asbestos

(a) Toxic Substances Control Act

In 1976, the federal Toxic Substances Control Act (15 USC Sections 2601–2671) established a system of evaluation in order to identify chemicals which may pose hazards. The Toxic Substances Control Act (TSCA) also established a process by which public exposure to hazards may be reduced through manufacturing, distribution, use, and disposal restrictions or labeling of products. Under the TSCA (40 CFR 763), the USEPA has enacted strict requirements on the use, handling, and disposal of asbestos-containing materials (ACM). These regulations include the phasing out of friable (easily crumbled) asbestos and ACMs in new construction materials beginning in 1979 (40 CFR 763). Friable asbestos may be found in pre-1979 construction. In addition, due to potential adverse health effects in exposed persons, in 1989, the USEPA banned most uses of asbestos in the country. Although most of the ban was overturned in 1991, the current banned product categories include corrugated paper, rollboard, commercial paper, specialty paper, flooring felt, and any new uses. The TSCA is enforced by the USEPA through inspections of places in which ACMs are manufactured, processed, and stored and through the assessment of administrative and civil penalties and fines, as well as injunctions against violators.

(b) Federal Resource Conservation and Recovery Act and State Hazardous Waste Control Law

Under the federal RCRA, asbestos is not regulated as hazardous waste, but under the State Hazardous Waste Control Law, it is considered a “non-RCRA” or “California-only”

hazardous waste. The DTSC classifies ACMs as hazardous waste if they are friable and contain one percent or more asbestos (CCR Title 22, Section 66261.24). Non-friable bulk asbestos-containing waste is considered by the DTSC as non-hazardous regardless of its asbestos content, so it is not subject to regulation under CCR Title 22, Division 4.5. The DTSC regulates the packaging, on-site accumulation, transportation (through standards applicable to transporters of hazardous waste), and disposal of asbestos when it is a hazardous waste.

(c) Federal and California Occupational Safety and Health Acts

The federal and state Occupational Safety and Health Acts regulate asbestos as it relates to employee safety through a set of general notification requirements and corrective actions to reduce potential exposure levels. The federal Occupational Safety and Health Act Worker Exposure Rule for Asbestos (29 CFR 1910.1001 and 1926.1101) requires certain actions on the part of any employer whose employees are potentially exposed to asbestos fiber levels above the permissible exposure limit (0.2 fiber per cubic centimeter of air, averaged over an 8-hour day). These actions include:

- Corrective measures to reduce exposure levels;
- Notification, including warning signs and labels;
- Controlled access;
- Use of protective equipment;
- Implementation of engineering and housekeeping controls; and
- Employee training programs.

The Occupational Safety and Health Act has established an action level for workplace exposure as well. If an employee could be exposed above the action level, employers must begin compliance activities, such as notification, employee training, air monitoring and, in some cases, medical surveillance. In buildings that contain ACMs, levels of airborne asbestos are not expected to reach Occupational Safety and Health Act exposure standards. Nevertheless, the USEPA recommends that building owners inform building occupants of the presence and location of ACMs even if potential exposure is below the levels identified above. In addition to these regulations, contractors involved in asbestos surveys and removal are required to be certified by the Division of Occupational Safety and Health.

(d) Connelly Act

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

(e) National Emission Standards for Hazardous Air Pollutants

The USEPA has established National Emission Standards for Hazardous Air Pollutants (40 CFR 61 Part M) that govern the use, removal, and disposal of ACMs as a hazardous air pollutant. The National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations concern the manufacture, spraying, and fabricating of ACMs, as well as its application, removal, and disposal. The NESHAP regulations mandate the removal of friable ACMs before a building is demolished and include notification requirements prior to demolition. The regulations also mandate removal techniques, limit visible emissions of dust to the outside air during removal or renovation, specify disposal procedures, and include provisions governing the packaging and labeling of asbestos wastes. The NESHAP regulations are promulgated and enforced by the USEPA. Responsibility for implementing these requirements has been delegated to the State of California, which in turn has delegated the responsibility to the South Coast Air Quality Management District (SCAQMD). The SCAQMD implements the NESHAP through its Rule 1403, discussed below.

(f) South Coast Air Quality Management District Rule 1403

SCAQMD Rule 1403, Asbestos Emissions from Renovation/Demolition Activities, regulates asbestos as a toxic material and controls the emissions of asbestos from demolition and renovation activities by specifying agency notifications, appropriate removal procedures, and handling and clean up procedures. Rule 1403 applies to owners and operators involved in the demolition or renovation of structures with ACMs, asbestos storage facilities, and waste disposal sites. The requirements under this rule include the following:

- Surveying structures for ACMs;
- Agency notification of intention to remove asbestos;
- ACMs removal procedures and time schedules;
- ACMs handling and clean up procedures;

- ACMs storage, disposal and landfill requirements; and
- Record keeping.

(6) Lead-Based Paint

(a) Residential Lead-Based Paint Reduction Act, Title X

Lead exposure is regulated at the federal and state levels and by various agencies. The USEPA has been mandated to protect building occupants from the hazards associated with lead-based paint (LBP) as described in Title X, the Residential Lead-Based Paint Reduction Act of 1992 (of the Housing and Community Development Act of 1992). Title X amends the TSCA, Title IV (Lead Exposure Reduction) and contains all the USEPA mandates for targeting housing owner and occupant notification and the regulation of LBP activities occurring in targeted housing. The RCRA and state regulations generally apply to the disposal of lead but not specifically LBP. In June 2003, the USEPA made a final ruling regarding disposal standards for LBP waste in which construction and demolition landfills are allowed to accept residential LBP waste for disposal. This ruling applies to residential LBP waste from abatement, rehabilitation, renovation, or the remodeling in homes, residences, and other households.[2]

(b) Federal and California Occupational Safety and Health Acts

Federal Occupational Safety and Health Act requirements, set forth in 29 CFR Section 1910 *et seq*., are designed to promote worker safety, worker training, and worker right-to-know. Requirements include the following:

- General Industry Respiratory Protection Standard (29 CFR 1910.134) for the use of respiratory protection devices intended to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors;
- Lead in General Industry Standard (29 CFR 1910.1025), which is applicable to all occupational exposures to lead, except for lead exposures in the construction industry, to protect employees from significant lead exposures and to educate the employees on health hazards associated with lead; and

[2] *Environmental Protection Agency, "Lead Paint Rule; Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills; Disposal of Residential Lead-Based Paint Waste; Final Rule," https://www.federalregister.gov/articles/2003/06/18/03-15363/criteria-for-classification-of-solid-waste-disposal-facilities-and-practices-and-criteria-for, accessed April 20, 2016.*

- General Industry Hazard Communication Standard (29 CFR 1910.1200), which is the Occupational Safety and Health Act's general industry hazard communication standard and applies to all employees exposed to chemical and physical hazards in the general industry sector.

The Occupational Safety and Health Act requirements set forth in 29 CFR Section 1926 et seq., are designed to promote safety during construction. These requirements include standards to comprehensively address the issue of evaluating and communicating chemical and physical hazards to employees in the construction sector (the Construction Industry Hazard Communication Standard [29 CFR 1926.59]). This includes construction activities involving the demolition, salvage, removal, alternation, maintenance activities etc. of lead-containing materials and lead contamination/emergency clean up, transportation, disposal, storage, or containment of lead or materials containing lead on the site or location at which construction activities are performed (the Lead in Construction Standard [29 CFR 1926.62]). As with 29 CFR 1910.134, the Respiratory Protection in Construction Standard (29 CFR 1926.103) is applicable to all employees who are required or choose to wear respiratory protection devices. The intent of the standard is to control occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors. This standard requires the establishment of a written respiratory protection program whenever employees are required or choose to wear respirators.

Title 8 of the CCR, Section 1532.1 (8 CCR 1532.1) is a rule developed by OSHA in 1993 and adopted by the State of California. This rule is comparable to the federal standards described above. While this regulation has been updated several times since 1993, one important difference between it and the federal standard is the additional requirement to notify the Division of Occupational Safety and Health in writing before abating 100 square feet or more of LBP. Title 17 of the CCR, Division 1, Chapter 8 requires that all consultants and contractors conducting activities involving LBP or lead hazards be certified. This regulation also defines LBP, lead hazards, and lead clearance criteria. This regulation requires that the California Department of Health Services be notified in writing before all hazard-related testing and hazard mitigation-related abatement activities.

Title 22 of the CCR, Section 66261.24 (22 CCR 66261.34) is the state's version of the requirements for testing of all waste streams prior to disposal.

(7) Polychlorinated Biphenyls

(a) Toxic Substances Control Act

Polychlorinated biphenyls (PCBs) can be found in older transformers and other electrical equipment. Due to their hazardous properties, all aspects of PCBs are strictly regulated by the USEPA under the TSCA. These regulations ban the manufacture of PCBs although the continued use of existing PCB-containing equipment is allowed. Transformer oil containing PCBs at a concentration exceeding five parts per million (ppm) is the California-regulated concentration for hazardous waste although PCBs in transformer oil at a concentration up to 50 ppm are currently allowed in transformers in California. PCB-contaminated transformers known or assumed under the TSCA to contain between 50 and 499 ppm of PCBs are also subject to USEPA regulations.[3] The USEPA also requires that commercial property owners with transformers containing more than 500 ppm of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within 5 meters (40 CFR 761.30: "Fire Rule"). The TSCA also contains provisions controlling the continued use and disposal of existing PCB-containing equipment.

The disposal of hazardous waste building materials, including PCBs, is also regulated by federal and state laws. The disposal of PCB wastes is regulated by the USEPA under the TSCA (40 CFR 761), which contains life cycle provisions similar to those in the RCRA.

(b) California Hazardous Waste Control Law

In addition to the TSCA, provisions relating to PCBs are contained in the Hazardous Waste Control Law, previously discussed, which lists PCBs as hazardous waste.

(8) Oil Wells and Methane Gas

(a) California State Division of Oil, Gas and Geothermal Resources

In compliance with Section 3229, Division 3 of the California Public Resources Code (PRC), before commencing any work to abandon any well, the owner or operator shall file with the California State Division of Oil, Gas and Geothermal Resources (DOGGR) a written notice of intention to abandon the well (DOGGR Form OG108). Abandonment shall not proceed until approval is given by the DOGGR. If a written response to the notice of

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[3] *U.S. Environmental Protection Agency, PCBs Questions & Answers, www3.epa.gov/region9/pcbs/faq.html, accessed April 20, 2016.*

intention is not received from the DOGGR within ten working days, the proposed abandonment shall be deemed to have been approved. If abandonment operations have not commenced within one year of receipt of the notice of intention, the notice of intention shall be deemed canceled.

b. Existing Conditions

The current and past land uses within the Project Site were identified to assess their potential to present concerns relative to the presence of hazards and/or the handling of hazardous materials. These concerns are classified as Recognized Environmental Conditions (RECs), which are defined by the American Society for Testing and Materials (ASTM) Standard E1527-13 as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water of the property. The Phase I ESA included as Appendix D of this Draft EIR did not identify any existing RECs within the Project Site. However, one historical REC (HREC) was identified relating to prior uses on-site, as further discussed below. A HREC is defined by the ASTM Standard E1527-13 as a past release of any hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established, without subjecting the property to any required controls.

(1) Current and Historical Uses of the Project Site

As discussed in the Phase I ESA included as Appendix D of this Draft EIR, based on a review of historical documents and aerial photographs, the Project Site was developed with single-family residential structures in 1910. A gas station was developed in the northern portion of the site by 1938 and was removed by 1969. By 1981, the residential properties on-site were removed, and a small structure was developed at the northwestern corner of the Project Site, which contained restaurant known as Power Burger. The current two-story commercial building on the Project Site was developed in 1988 and has been occupied by various commercial uses since that time. It currently contains retail, office, and fitness studio uses.

Additionally, the Project Site was listed on the Los Angeles County Hazardous Materials System database as a Boston Market restaurant. While historical records provide no indication a Boston Market ever occupied the Project Site, the Phase I ESA suggests it is possible this listing was related to the Power Burger restaurant that briefly occupied the Project Site and that its listing was related to the disposal of kitchen grease. As determined by the Phase I ESA, this is not considered to be a concern for the Project Site.

As noted above, the Phase I ESA did not identify any current RECs on the Project Site although the gas station located on-site from 1938 to 1969 is identified as a HREC. Furthermore, no information regarding the removal of the gas station was available for review, and no documentation regarding the presence or removal of USTs was found in the database searches conducted for the Phase I ESA. Thus, it is assumed that no RECs or USTs exist on the Project Site. Since the existing structure includes two and a half levels of subterranean parking at the Project Site, any suspect fuel releases to the soil from that gas station were likely removed during the excavation process for the construction of the existing commercial building. Therefore, this HREC is not considered a concern for the Project Site.

(2) Hazardous Materials Database Search

A computerized government environmental records search was performed as part of the Phase I ESA for the Project Site. The records search included numerous government databases, such as those of registered USTs, operators who are hazardous waste generators, former landfills, and sites with a known hazardous materials release. As noted above, the Project Site is listed on the Los Angeles County Hazardous Materials System database as a Boston Market restaurant. For reasons explained above, this is not considered to be a concern for the Project Site. The Project Site was not identified on any other list.

Additional properties within a 0.25-mile radius[4] of the Project Site are listed on various regulatory databases, including RCRA Small and Large Quantity Generator lists (RCRA-SQG, RCRA-LQG); RCRA Conditionally Exempt Small Quantity Generators (RCRA-CESQG); DTSC Mitigation and Brownfields Reuse database (ENVIROSTOR); Leaking Underground Storage Tank Incident Reports (LUST); Spills, Leaks, Investigation & Cleanup (SLIC); California Facility Inventory Database (CA FID UST); Historical UST Registered Database (HIST UST); Statewide Environmental Evaluation and Planning System (SWEEPS UST); RCRA Non Generators (RCRA-NonGen/NLR); Historical "Cortese" Hazardous Waste & Substances Sites List (HIST CORTESE); DRYCLEANERS; HAZNET; and FIND databases.

Notable among these are two sites listed as hand laundry facilities, located at 8962 Sunset Boulevard and 8966 Sunset Boulevard, as well as five historical auto stations, including a site approximately 48 feet northwest of the Project Site, located at 8929 Sunset

[4] *As described further in Appendix D of this Draft EIR, the Phase I ESA was conducted in accordance with American Society for Testing and Materials (ASTM) Standard E1527-13. In accordance with such standards, a standard search radius distance of 0.25 mile is used for database searches for recognized environmental conditions.*

Boulevard. The two laundry cleaning sites are listed in the Environmental Data Resources database as hand laundry sites and are unlikely to have used hazardous substances or chemicals in a cleaning process. Therefore, they are unlikely to have adversely affected the Project Site. The auto station located at 8929 Sunset Boulevard was occupied from approximately 1991 to 2012. Based on the relatively recent occupancy of the property and the fact that no USTs were reported, this property is not expected to adversely affect the Project Site. In addition, another gas station and auto repair center was recorded to be located at 8923 Sunset Boulevard. According to the Phase I ESA for the proposed Project, due to the relatively short time of occupancy of this gas station (from 1924 to 1937), the use of the property for such purposes is not considered an issue for the Project Site. Furthermore, additional properties listed on the Historical Auto Stations database are greater than 80 feet and cross gradient from the Project Site. Based upon the location of these properties, down-gradient physically and hydrologically, from the Project Site, past and existing operations at these surrounding properties do not represent an environmental concern to the Project Site. As such, these properties are not expected to have adversely affected the Project Site.

Historical releases of petroleum from a leaking underground storage tank (LUST) site occurred at an Arco gas station located at 8906 Sunset Boulevard,[5] immediately east of the Project Site. According to Geotracker, the case began in 1985 to determine the possible source of hydrocarbon impacted groundwater observed near the intersection of Santa Monica Boulevard and Huntley Drive, approximately 3,000 feet southeast of the Project Site. Soil samples detected total petroleum hydrocarbons gasoline at a maximum concentration of 105 milligrams per kilogram, and free-phase hydrocarbon was detected in a groundwater monitoring well. In February 2013, Arco requested a low-threat closure for the property, which was granted in July 2015. Since the Arco gas station property is cross and down gradient of the Project Site, it is not likely to have adversely affected the Project Site.

For detailed information regarding these listings, refer to the Phase I ESA in Appendix D of this Draft EIR.

(3) Hazardous Materials Use and Storage

Currently, operations within the Project Site involve the use of limited quantities of potentially hazardous materials that are typically used on commercial and office properties. These materials include pesticides for landscaping, cleaning solvents for custodial maintenance, photographic chemicals, cooling tower chemicals, diesel fuel (for the on-site

[5] *This site is currently occupied by the Sunset Oil Gas Station.*

emergency generator), small quantities of paint, water treatment chemicals (for air conditioning units), and other general maintenance products. During the site reconnaissance conducted as part of the Phase I ESA, including a review of historical documents and aerial photographs, no evidence of past use, treatment, storage, disposal, or generation of hazardous substances was observed.

(4) Hazardous Waste Generation, Handling, and Disposal

As described above, small amounts of chemicals for commercial purposes and maintenance are currently used within the Project Site. The hazardous wastes associated with the use of these chemicals currently generated on-site are taken from the Project Site by a licensed contractor to be managed at licensed waste treatment, disposal, or recycling facilities that are permitted to receive the applicable waste.

(5) Underground and Aboveground Storage Tanks

No evidence of existing aboveground or underground storage tanks, clarifiers, sumps, or grease interceptors were observed on the Project Site, and, therefore, no further analysis of this issue is necessary.

(6) Asbestos-Containing Materials

Asbestos is a naturally occurring mineral made up of microscopic fibers. Asbestos has unique qualities which include its strength, fire resistance, resistance to chemical corrosion, poor conduction of heat, noise, and electricity, and low cost. Asbestos was widely used in the building industry starting in the late 1800s and up until the late 1970s for a variety of uses, including acoustic and thermal insulation and fireproofing, and is often found in ceiling and floor tiles, linoleum, pipes, structural beams, and asphalt. Most uses were banned by the USEPA in 1989. Despite its useful qualities, asbestos becomes a hazard if the fibers separate and become airborne. Inhalation of airborne asbestos fibers could cause lung diseases. Any building, structure, surface asphalt driveway, or parking lot constructed prior to 1989 could contain asbestos or ACMs.

Testing for asbestos was not conducted as part of the Phase I ESA for the Project Site.[6] However, as ACMs were banned from use in commercial construction in 1989 and based on the age of the on-site building (constructed in 1988), it is possible that ACMs may exist on-site.

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[6] *As described further in Appendix D of this Draft EIR, the Phase I ESA was conducted in accordance with ASTM Standard E1527-13. In accordance with the standards set forth therein, physical testing of buildings is not typically performed during this stage.*

(7) Lead-Based Paint

Lead is a naturally occurring element and heavy metal that was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments, and drying agents from the early 1950s to 1972, when the Consumer Products Safety Commission specified limits on lead content in such products. While adults can be affected by excessive exposure to lead, the primary concern is the adverse health effects on children. The most common paths of lead exposure in humans are through ingestion and inhalation. LBP is of concern both as a source of exposure and as a major contributor to lead in interior dust and exterior soil.

Testing for LBP was not conducted as part of the Phase I ESA for the Project Site.[7] However, based on the age of the existing building on-site, it is unlikely that lead-based paints are present.

(8) Polychlorinated Biphenyls

Typical sources of PCBs include electrical transformer cooling oils, fluorescent light fixture ballasts, and hydraulic oil. In 1976, the USEPA banned the manufacture and sale of PCB-containing transformers. Prior to this date, transformers were frequently filled with a dielectric fluid containing PCB-laden oil. PCB-contaminated transformers known or assumed under the TSCA to contain between 50 and 499 ppm of PCBs are also subject to USEPA regulations.[8] By 1985, the USEPA required that commercial property owners with transformers containing more than 500 ppm of PCBs must register the transformer with the local fire department, provide exterior labeling, and remove combustible materials within five meters (40 CFR 761.30: "Fire Rule").

No transformers were visually observed at the Project Site. One pole-mounted transformer was observed at the adjacent property to the west. It is possible that on-site fluorescent lamp ballasts contain PCB concentrations greater than the federal action limit of 50 ppm.

(9) Oil Wells and Methane Gas

During the site diligence and reconnaissance, the Phase I ESA found no evidence of dry wells, irrigation wells, injection wells, abandoned wells, monitoring wells, or other wells

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[7] *Ibid.*

[8] *U.S. Environmental Protection Agency, PCBs Questions & Answers, www3.epa.gov/region9/pcbs/faq.html, accessed April 19, 2016.*

was observed on the Project Site. Furthermore, based on a review of the State of California DOGGR online mapping system, no oil wells or oil fields are located on or in the immediate vicinity of the Project Site. Seven oil wells are located approximately 0.5 mile southeast of the Project Site. The status of these wells is closed and plugged. In addition, the Project Site is not located within a designated Methane Hazard Zone or Methane Buffer Zone as mapped by either the City of West Hollywood or City of Los Angeles.

(10) Other Potentially Hazardous Conditions

No pits, ponds, or lagoons were observed on the Project Site or were reported to be historically present. Additionally, no septic tanks or cesspools were observed or reported on site. Radon levels in the region are not in excess of USEPA action levels.

(11) Conclusion

Based on the evaluation of identified HRECs and nearby database listings, there is no substantial evidence of contamination to soil beneath the Project Site.

3. Environmental Impacts

a. Methodology

To evaluate potential impacts relative to hazards and hazardous materials, a Phase I ESA was prepared for the Project Site and is provided in Appendix D of this Draft EIR. In accordance with ASTM Standard E1527-13, the analysis of the potential impacts regarding hazards and hazardous material was based on a property and adjacent site reconnaissance, interviews with key personnel, a review of historical use information about the Project Site, and a review of regulatory agency records. Recommendations regarding the construction and operation of the proposed Project are based on these results.

b. Thresholds of Significance

Appendix G of the CEQA Guidelines provides a set of sample questions that address impacts with regard to hazards and hazardous materials. These questions are as follows:

Would the project:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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

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

- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

With regard to the above questions from Appendix G of the CEQA Guidelines, as evaluated in Section VII, Effects Found Not to Be Significant, of this Draft EIR, the Project Site is not located within two miles of a public use airport or within an airport planning area. Additionally, the Project Site is located in a highly urbanized area, developed with a range of office, retail, hotel, restaurant and entertainment uses, and is not located within an area containing wildland brush or within an area designated by the City as a very high, high, or moderate wildland fire hazard zone.[9] Therefore, no impacts with respect to airports, private airstrips, and wildland fires would occur as a result of the proposed Project, and no further analysis of these issues is provided below.

c. Project Design Features

No specific project design features are proposed with regard to hazards and hazardous materials.

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[9] *City of West Hollywood, West Hollywood General Plan 2035, Chapter 10 Safety and Noise, Figure 10-1, September 6, 2011.*

d. Analysis of Project Impacts

(1) Construction Impacts

(a) Hazardous Materials Use and Storage

During demolition, grading, and building construction for the proposed Project, fuel and oils associated with the operation of construction equipment, as well as coatings, paints, adhesives, and caustic or acidic cleaners, could be used, handled, and stored on the Project Site. The use, handling, and storage of these materials could increase the opportunity for hazardous materials releases and, subsequently, the exposure of people, schools within 0.25 mile of the Project Site, and the environment to hazardous materials. The Project Site is in proximity to several sensitive uses, including West Hollywood Elementary School and residential uses immediately to the south of the Project Site, which would be affected by the use of construction-related hazardous materials. However, the Project Site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. In addition, due to the low volume and low toxicity of the hazardous materials to be used during the construction of the proposed Project, the potential for environmental impacts from hazardous material incidents would be limited. Moreover, all potentially hazardous materials would be used and stored in accordance with manufacturers' specifications. As described in the Regulatory Framework subsection above, construction of the proposed Project would be required to comply with applicable laws and regulations aimed at establishing specific guidelines regarding risk planning and accident prevention, protection from exposure to specific chemicals, and the proper storage of hazardous materials. Compliance with all applicable federal, state, and local requirements concerning the use, storage, and management of hazardous materials would effectively reduce the potential for Project construction activities to expose people or schools to a substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards. Therefore, potential Project impacts related to the use, storage, and management of hazardous materials during construction would be less than significant, and no mitigation measures are required.

(b) Hazardous Waste Generation, Handling, and Disposal

During demolition, grading, and building construction, hazardous materials, such as fuels, paints, solvents, and concrete additives could be used and, therefore, would require proper management and, in some cases, disposal. The management of any resultant hazardous wastes could increase the opportunity for hazardous materials releases and, subsequently, the exposure of people, schools, and the environment to hazardous materials. The Project Site is in proximity to several sensitive uses, including West

Hollywood Elementary School and residential uses, which would be affected by the use of construction-related hazardous materials. Construction of the proposed Project would occur in compliance with all applicable federal, state, and local requirements concerning the generation, handling, and disposal of hazardous waste (e.g., contaminated soils), which would include handling and transportation of hazardous waste from the Project Site by licensed hazardous waste transporters. In addition, the Phase I ESA did not identify any significant environmental concerns on the Project Site. Through compliance with relevant regulations and requirements, demolition, grading, and construction activities of the proposed Project would not expose people or schools to a substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards. Therefore, potential Project impacts associated with hazardous waste management during construction would be less than significant, and no mitigation measures are required.

(c) Underground and Aboveground Storage Tanks

The proposed Project would excavate up to approximately 79 feet below the existing ground surface to accommodate a valet court, loading site, and lobbies on a partial subterranean level, as well as five levels of subterranean parking. In addition, the proposed geothermal heating and cooling system, described in Section II, Project Description, of this Draft EIR, would require drilling up to 24 boreholes down to approximately 300 to 500 feet below grade level. As previously discussed, no USTs or ASTs were observed or identified within the Project Site. Therefore, no USTs or ASTs would be encountered or affected during Project construction, and there would be no potential to encounter residual subsurface contamination. Thus, potential Project impacts related to USTs and ASTs during construction would be less than significant, and no mitigation measures are required.

(d) Asbestos-Containing Materials

As previously discussed, any building, structure, surface asphalt driveway, or parking lot constructed prior to 1989 could contain asbestos or ACMs. Since the existing building was constructed in 1988, it is possible that asbestos or ACMs may be present on-site. Thus, in accordance with SCAQMD Rule 1403, the Applicant would be required to conduct a comprehensive asbestos survey prior to demolition, subject to approval by the City's Department of Building and Safety. In the event that ACMs are found within areas proposed for demolition, suspect materials would be removed by a certified asbestos abatement contractor in accordance with applicable regulations. With compliance with relevant regulations and requirements, the proposed Project's construction activities would not expose people or schools to a substantial risk resulting from the release of asbestos fibers in the environment. Therefore, potential Project impacts related to ACMs would be less than significant, and no mitigation measures are required.

(e) Lead-Based Paint

As previously discussed, the existing two-story commercial structure on-site was constructed in 1988. Based on the age of the on-site building, it is unlikely that lead-based paint is present. In the unlikely event that lead-based paint is found in the building, suspect materials would be removed in accordance with procedural requirements and regulations, including those established by the TSCA, 29 CFR Sections 1910 and 1926 *et seq*., and Titles 8 and 17 of the CCR, for the proper removal and disposal of LBP prior to demolition activities. Example procedural requirements include the use of respiratory protection devices while handling lead-containing materials, containment of lead or materials containing lead on the site or location at which construction activities are performed, and certification of all consultants and contractors conducting activities involving LBP or lead hazards. Through compliance with relevant regulations and requirements, the proposed Project's construction activities would not expose people or schools to a substantial risk resulting from the release of lead-based paint into the environment. Therefore, potential Project impacts related to lead-based paint would be less than significant, and no mitigation measures are required.

(f) Polychlorinated Biphenyls

As discussed above, on-site fluorescent light ballasts containing PCB concentrations above the federal account limit may be present. Therefore, in the event that PCBs are found, suspect materials would be removed and disposed of in accordance with all applicable local, state and federal regulations prior to demolition activities, including but not limited to 40 CFR 761.30: "Fire Rule". In accordance with the recommendation of the Phase I ESA, any ballasts that do not include the statement "No PCBs" would be disposed of as PCB-containing waste. Specifically, the disposal of PCB wastes is regulated by the USEPA under the TSCA (40 CFR 761) to ensure the safe handling of these materials. Through compliance with relevant regulations and requirements, the proposed Project's construction activities would not expose people or schools to a substantial hazardous risk resulting from the release of PCBs in the environment. Therefore, potential Project impacts related to PCBs would be less than significant, and no mitigation measures are required.

(g) Oil Wells and Methane Gas

As discussed above, there are no oil wells on the Project Site, and the Project Site is not located within an oil field. Furthermore, the Project Site is not within a designated Methane Zone or Methane Buffer Zone recognized by the City of West Hollywood or the City of Los Angeles. Therefore, the potential for construction of the proposed Project to result in the accidental release or upset of subsurface methane or oil would be negligible. No impacts related to oil wells and methane gas during construction would occur as a result of the proposed Project, and no mitigation measures are required.

(h) Subsurface Conditions

The Project would excavate up to approximately 79 feet below the existing ground surface to accommodate a valet court and lobbies on a partial subterranean level, as well as five levels of subterranean parking. In addition, the geothermal heating and cooling system planned for the proposed Project would require drilling up to 24 boreholes down to approximately 300 to 500 feet below grade level. As discussed above, no RECs were identified during the Phase I ESA, and the HRECs at the Project Site are not considered to be a concern. Thus, construction impacts related to potential subsurface contamination would be less than significant, and no mitigation measures are required.

(i) Emergency Response

Access routes to and from the Project Site are subject to review and approval by the LACFD prior to construction. The Project would comply with all applicable codes and ordinances for emergency access. Additionally, as discussed in Section IV.J, Traffic, Access, and Parking, of this Draft EIR, a Construction Management Plan would be implemented during construction of the Project that would include regulatory requirements and restrictions with respect to any temporary street closures (which could potentially include the temporary closure of up to one lane on Sunset Boulevard), a detour plan, and a staging plan and would ensure that adequate and safe access remains available within and near the Project Site during construction activities. Therefore, with adherence to regulatory measures and implementation of a Construction Management Plan, construction of the proposed Project would not be anticipated to significantly impair implementation of, or physically interfere with, any adopted or emergency response or evacuation plans. As a result, impacts related to emergency response and evacuation during construction would be less than significant, and no mitigation measures are required.

(2) Operational Impacts

(a) Hazardous Materials Use and Storage

Operation of the proposed Project would involve the limited use of relatively small amounts of potentially hazardous materials typically used in commercial, office, and hotel (i.e., guest rooms, dining facilities, and Arts Club amenities) developments, including cleaning agents, paints, pesticides, and other materials used for landscaping. However, all potentially hazardous materials would be used, stored, and disposed of in accordance with manufacturers' specifications and handled in compliance all federal, state, and local laws regulating the management and use of hazardous materials, as well as applicable standards and regulations. In addition, operation of the proposed Project would not involve the use of large quantities of hazardous materials. As described above, the Project Site is in proximity to several sensitive uses, including West Hollywood Elementary School and residential uses immediately to the south of the Project Site, which may potentially be

affected by the use of hazardous materials during the operation of the proposed Project. Any risks associated with these materials would be adequately reduced to a less than significant level through compliance with these standards and regulations. In addition, the Project Site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not exacerbate the current environmental conditions so as to create a significant hazard to the public or the environment. Since the proposed Project would not expose persons or schools to a substantial risk resulting from the release of hazardous materials or exposure to health hazards in excess of regulatory standards, impacts associated with the use and storage of these hazardous substances during operation of the proposed Project would be less than significant, and no mitigation measures are required.

(b) Hazardous Waste Generation, Handling, and Disposal

Operation of the proposed Project would involve the use of relatively small amounts of hazardous materials typically associated with commercial, office, and hotel uses. Since the proposed Project does not propose any industrial uses, these materials present a low risk for hazards exposure. In addition, as is the case under existing conditions, activities involving the handling and disposal of hazardous wastes on-site would occur in compliance with all applicable federal, state, and local requirements concerning the handling and disposal of hazardous waste. Furthermore, hazardous wastes would be properly stored and conveyed to registered waste treatment, disposal, or recycling facilities by licensed hazardous waste transporters. Therefore, with compliance with relevant regulations and requirements, operational activities would not expose people or schools to a substantial risk resulting from the release or explosion of a hazardous material, or from exposure to a health hazard associated with hazardous waste in excess of regulatory standards. Thus, impacts associated with hazardous waste generation, handling, and disposal during operation of the proposed Project would be less than significant, and no mitigation measures are required.

(c) Underground and Aboveground Storage Tanks

The proposed Project proposes to install two aboveground fuel storage tanks. No underground storage tanks are proposed as part of the proposed Project.[10] To power a roof-mounted life-safety generator, the proposed Project would install a 660-gallon capacity fuel oil tank under the generator set. Additionally, a 1,000-gallon storage oil tank would be installed in Level P2 for backup fuel. The installation and use of these tanks are commonplace and not unique to the proposed Project and would be subject to the applicable requirements of the CCR, CRF, and HSC for regulating the storage of

[10] *Though Level P2 is subterranean, the storage tank is considered aboveground for regulatory purposes.*

hazardous substances in ASTs, including but not limited to regulations found in 40 CFR 280, California HSC, Division 20, Chapter 6.7, 23 CCR Section 2610, 40 CFR Part 112 of the Clean Water Act, and HSC Section 25270.8, as identified above in the Regulatory Framework. Through compliance with relevant regulations and requirements, the proposed Project's use of storage tanks would not expose people or schools to a substantial risk resulting from the release of volatile organic compounds (VOCs), including benzene, toluene, and perchloroethylene (PCE), and other chemicals associated with the use of fuel storage tanks. Thus, impacts associated with USTs and ASTs would be less than significant, and no mitigation measures are required.

(d) Asbestos-Containing Materials

Development of the proposed Project would include the use of commercially-sold construction materials that would not include asbestos or ACMs. The proposed Project's development is, therefore, not anticipated to increase the occurrence of friable asbestos or ACMs at the Project Site. Therefore, operation of the new development proposed at the Project Site would not expose persons or schools in the immediate vicinity to any risk resulting from the release of friable asbestos in the environment. Thus, no impacts associated with ACMs during operation of the proposed Project would occur, and no mitigation measures are required.

(e) Lead-Based Paint

Development of the proposed Project would include the use of commercially-sold construction materials that would not include LBP. The proposed Project's development is, therefore, not anticipated to increase the occurrence of LBP at the Project Site. Operation of the new development proposed at the Project Site would not expose persons or schools in the immediate vicinity to any risk resulting from the release of lead in the environment. Thus, no impacts associated with LBP during operation of the proposed Project would occur, and no mitigation measures are required.

(f) Polychlorinated Biphenyls

In accordance with existing regulations, the new electrical systems to be installed as part of the proposed Project would not contain PCBs. Therefore, during operation of the proposed Project, maintenance of such electrical systems would not expose people or schools in the immediate vicinity to PCBs. In addition, the Applicant would comply with applicable laws regulating PCBs, including but not limited to 40 CFR 761, as well as federal, state, and local regulations as discussed above in the Regulatory Framework. As such, operation of the proposed Project would not expose people or schools to any risk resulting from the release of PCBs in the environment. Therefore, no impacts related to

PCBs during the proposed Project's operation would occur, and no mitigation measures are required.

(g) Oil Wells and Methane Gas

As discussed above, there are no oil wells on the Project Site, and the Project Site is not located within an oil field. Furthermore, the Project Site is not within a designated Methane Zone or Methane Buffer Zone recognized by the City of West Hollywood or the City of Los Angeles. Therefore, the proposed Project would not expose people or schools to any risk resulting from the release or explosion of oil or methane gas, or from exposure to a health hazard associated with oil or methane gas. Thus, no impacts associated with oil and methane gas during operation of the proposed Project would occur, and no mitigation measures are required.

(h) Emergency Response

During operation, the proposed Project would not involve any activities that would impede public access or travel along the public right-of-way or interfere with an adopted emergency response or evacuation plan. The City has an emergency plan (the West Hollywood Hazard Mitigation Plan), which is an all-hazards preparedness, emergency evacuation, response, and recovery plan. It addresses hazards such as fires, earthquakes, floods, terrorism, transportation accidents, public health emergencies, and hazardous materials accidents. The proposed Project would be developed to be consistent with this plan. In addition, as noted previously, the proposed Project would be subject to review and approval by the LACFD which would ensure adequate emergency response is maintained. In addition, the increase in traffic generated by the proposed Project would not significantly impact emergency vehicle response times to the Project Site and surrounding uses, including along designated disaster routes[11], since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Accordingly, the proposed Project's operation, including traffic generated by the proposed Project, would not cause a substantial increase in emergency response times as a result of increased traffic congestion, as further addressed in Section IV.I.2, Public Services—Fire Protection, of this Draft EIR. As such, impacts associated with emergency response and emergency evacuation plans would be less than significant, and no mitigation measures are required.

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[11] *According to the County of Los Angeles Department of Public Works, the designated disaster routes in the City of West Hollywood are Santa Monica Boulevard, La Cienega Boulevard, and Beverly Boulevard, which are within one mile of the Project Site, as well as Crescent Heights Boulevard and La Brea Avenue further east (https://dpw.lacounty.gov/dsg/DisasterRoutes/map/west%20hollywood.pdf).*

(3) Conclusion

Based on the analysis above, the proposed Project would comply with applicable regulations regarding the storage, generation, handling, transportation, and disposal of hazardous materials. Furthermore, construction and operation of the proposed Project would not expose persons or schools to substantial risk resulting from the release of hazardous materials or from exposure to a health hazard in excess of regulatory standards or interfere with existing emergency response capacity to the Project area over existing conditions. Therefore, potential Project impacts related to hazards and hazardous materials would be less than significant during construction and operation of the proposed Project.

4. Cumulative Impacts

Development of the proposed Project, in combination with the related projects described in Section III, Environmental Setting, of this Draft EIR, would have the potential to increase the risk of accidental releases of hazardous materials. Each of the related projects would require evaluation for potential threats to public safety, including those associated with the use, storage, transport, and/or disposal of hazardous materials, ACMs, LBP, PCBs, and oil and gas, to public safety and schools in the Project vicinity and would be required to comply with all applicable local, state, and federal laws, rules and regulations. Because environmental safety issues related to hazardous materials are largely site-specific, this evaluation would occur on a case-by-case basis for each individual project affected, in conjunction with development proposals on these properties. Furthermore, each related project would be required to follow local, state, and federal laws regarding hazardous materials and other hazards, and applicable mitigation measures would be imposed during permit processing and construction site inspection by the applicable responsible agencies.

Although some related projects may have the potential to result in physical modifications to designated disaster routes, neither construction nor operation of the proposed Project would require or result in any modifications to any of the disaster routes in the City. In addition, the proposed Project would not impede the implementation of any emergency response plan. Therefore, with full compliance with all applicable local, state, and federal laws, rules and regulations, cumulative impacts of the proposed Project related to hazards and hazardous materials or selected disaster routes and emergency response plans would not be considered significant. As such, the proposed Project's cumulative impacts with regard to these issues would be less than significant.

5. Mitigation Measures

Project-level and cumulative impacts with regard to hazards and hazardous materials would be less than significant. No mitigation measures are required.

6. Level of Significance After Mitigation

Project-level and cumulative impacts with regard to hazards and hazardous materials would be less than significant without mitigation.