

3.5 HAZARDS AND HAZARDOUS MATERIALS

This section describes the existing hazardous materials within the vicinity of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of The Bond Project (project or proposed project).

In the evaluation of potential impacts, this section discusses the potential for the proposed project to expose people to hazards and hazardous materials. The analysis contained within this section is based on the California Environmental Geologists & Engineers Inc. (California Environmental), *Screening Soil Gas Evaluation – Phase II for Commercial Properties, 7811 Santa Monica Blvd & 1114 N Orange Grove Ave West Hollywood, CA 90046*, dated November 2014, the California *Environmental Site Assessment – Phase I for Commercial Properties, APNs 5530-002-067 and -019, 7811 Santa Monica Blvd & 1114 N Orange Grove, West Hollywood, CA 90046* dated May 2014, and the AEI Consultants *Environmental Site Assessment – Phase I for 1125 Ogden Drive, West Hollywood, California 90046* dated March 2017. These reports are included as Appendix D of this EIR.

3.5.1 Existing Conditions

The approximately 0.92-acre project site is currently developed with one commercial building currently used as a gym, two surface parking lots, and one multifamily residential building with seven residential units and surface parking. The existing building at 7811 Santa Monica Boulevard was built in 1924. The surface parking lot located at 1114 North Orange Grove Avenue was constructed at approximately the same time. The current multi-tenant residential structure located at 1127 North Ogden Drive was constructed in 1949 and has been occupied by residential tenants since that time.

In May 2014, a Phase I Environmental Site Assessment (ESA) was conducted for the 7811 Santa Monica Boulevard and 1114 North Orange Grove Avenue sites by California Environmental to identify preliminary indications of hazardous material use, storage or disposal at the property. During the preparation of the Phase I ESA, state and federal hazardous material databases were searched to determine if project site contains/contained hazardous materials as a result of existing or past uses. An environmental database records (EDR) report was prepared for the subject properties as part of the Phase I ESA. In addition, California Environmental contacted several agencies, including the California Department of Toxic Substances Control (DTSC), the California Regional Water Quality Control Board – Los Angeles Region (RWQCB), and the Los Angeles County Health Department (LACHD) for records connected to the subject properties.

No evidence of use, storage, disposal or generation of hazardous substances were observed at the 7811 Santa Monica Boulevard and 1114 North Orange Grove Avenue site, in support of the California Environmental Phase I ESA (Appendix D). The subject properties are not identified in the EDR US

Historical Dry Cleaners databases. There are no underground storage tank files or industrial records maintained at the Los Angeles County Department of Public Works Environmental Programs Division. The nearest listed contaminated site to the subject property is the Los Angeles County Fire Department Station No. 8, located approximately 1,000 feet to the east. The station is a former leaking tank site that received case closure in October 2003. It is considered unlikely the proposed project site has been impacted by this off-site cross-gradient source.

However, the California Environmental Phase I ESA does reveal evidence of recognized environmental concerns (RECs) in connection with the proposed project site. The former presence of a neon sign manufacturing facility, clothes cleaning/pressing facility and a cleaning/dyeing facility are considered RECs in connection with the subject property. These facilities historically utilized solvents. Former mercury use is also a potential issue in connection with the former neon sign manufacturing facility. These RECs were evaluated through subsurface assessment consisting of soil and soil gas sampling and analysis. In addition, one of the potential sources for indoor air contamination is degassing of solvents and other compounds from underlying contaminated soil or groundwater. Therefore, subsurface assessment activities were recommended for the proposed project site to determine if the subsurface has been impacted by the historical on-site use of solvents (Appendix D).

Due to the age of the subject property building, there is a potential that asbestos-containing materials (ACMs) are present. All observed suspect ACMs at the subject property (possible roofing materials and possible floor tiles) were in good condition at the time of the site reconnaissance. Additionally, due to the age of the building, there is a potential that lead-based paint (LBP) is present. During the site inspection, the paint coatings of the structures were in good condition at the time of the site reconnaissance. The Phase I ESA recommends that the property owner consult with a certified asbestos consultant and certified Lead Risk Assessor to determine options for control of possible ACM and LBP hazards prior to renovation or demolition of the building.

In November 2014, as a result of the findings in the Phase I ESA, a Phase II ESA was conducted for the properties at 7811 Santa Monica Boulevard and 1114 North Orange Grove Avenue by California Environmental and implemented a screening soil gas evaluation at the subject property. The assessment obtained and analyzed soil samples for volatile organic compounds (VOCs) in general accordance with the DTSC and RWQCB guidelines. In addition, a soil sample was obtained and analyzed for heavy metals. The detections of VOCs and metals found were consistent with regional background concentrations of metals in soil. California Environmental identified low concentrations of tetrachloroethylene (TCE) in several of the soil gas samples obtained from the property. However, all detected VOCs were below the action levels for commercial and residential properties. As a result, future indoor air mitigation is not required (see Appendix D for details regarding these measurements).

Soil gas testing beneath the subject site revealed concentrations of TCE in four samples, ethylbenzene in two samples, and xylenes in three samples. The levels detected documents that a reportable release from the former on-site cleaning and dyeing facilities has not occurred. The majority of the on-site soil gas concentrations are at or below the CalEPA-DTSC advisory risk-based concentrations (California Human Health Screening Levels) for VOCs in shallow soil gas for commercial properties. As such, further assessment is not recommended in the Phase II ESA (Appendix D).

In March 2017, a Phase I ESA was conducted by AEI Consultants for the remaining portion of the proposed project site, located at 1125 North Ogden Drive, to identify the presence of any hazardous materials at this subject property. During the preparation of this Phase I ESA reports, state, federal, tribal, and local hazardous material databases were searched to determine if the project site contains/contained hazardous materials as a result of existing or past uses. A Regulatory Database report was prepared for the subject property at 1125 North Ogden Drive and is included in the 2017 Phase I ESA. Based on a review of available resources, AEI did not identify significant on-site concerns and/or regulated listings from nearby sites, which suggest that a vapor-phase migration concern currently exists at the subject property.

Due to the age of the subject property building, there is a potential that asbestos-containing materials (ACMs) are present. All observed suspect ACMs at the subject property were in good condition at the time of the site reconnaissance. Additionally, due to the age of the multifamily residential building, there is a potential that lead-based paint (LBP) is present. During the site inspection, damaged and peeling paint was observed throughout the interior and exterior of the subject property building. The Phase I ESA recommends that the property owner consult with a certified asbestos consultant and certified Lead Risk Assessor to determine options for control of possible ACM and LBP hazards prior to renovation or demolition of the building.

3.5.2 Relevant Plans, Policies, and Ordinances

Federal

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as “Superfund,” were enacted by Congress on December 11, 1980. This law provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled the revision of the National Contingency Plan. The National Contingency Plan provides the

guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List, which is a list of contaminated sites warranting further investigation by the U.S. Environmental Protection Agency (EPA). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

The Federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act of 1976

The Federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act (RCRA) (1976) established a program administered by the EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle-to-grave” system of regulating hazardous wastes. The use of certain techniques for the disposal of some hazardous wastes was specifically prohibited by the Hazardous and Solid Waste Act.

National Emission Standards for Hazardous Air Pollutants

The EPA’s National Emission Standards for Hazardous Air Pollutants (NESHAP) requires that a thorough asbestos survey be performed prior to demolition or renovation activities that may disturb ACMs. This requirement may be enforced by federal, state, and local regulatory agencies, and specifies that all suspect ACMs be sampled to determine the presence or absence of asbestos prior to any renovation or demolition activities which may disturb them to prevent potential exposure to workers, building occupants, and the environment.

State

Title 22 of the California Code of Regulations & Hazardous Waste Control Law, Chapter 6.5

The Department of Toxic Substances Control (DTSC) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under RCRA and the California Hazardous Waste Control Law. Both laws impose “cradle to grave” regulatory systems for handling hazardous waste in a manner that protects human health and the environment. CalEPA has delegated some of its authority under the Hazardous Waste Control Law to county health departments and other Certified Unified Program Agencies, including the San Diego County DEH.

California Safety and Health Code

In California, the handling and storage of hazardous materials is regulated by Division 20, Chapter 6.95 of the California Health and Safety Code. Under Sections 25500–25543.3, facilities handling

hazardous materials are required to prepare a Hazardous Materials Business Plan. Hazardous Materials Business Plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state.

Chapter 6.95 of the Health and Safety Code establishes minimum statewide standards for Hazardous Materials Business Plans. Each business shall prepare a Hazardous Materials Business Plan if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in disclosable quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- A hazardous compressed gas in any amount (highly toxic with a threshold limit value of 10 parts per million or less)
- Extremely hazardous substances in threshold-planning quantities

In addition, in the event that a facility stores quantities of specific acutely hazardous materials above the thresholds set forth by the California Health and Safety Code, facilities are also required to prepare a Risk Management Plan and California Accidental Release Plan. The Risk Management Plan and Accidental Release Plan provide information on the potential impact zone of a worst-case release and require plans and programs designed to minimize the probability of a release and to mitigate potential impacts.

California Occupational Safety and Health Act

The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR 337–340). The regulations specify requirements for employee training, availability of safety equipment, accident prevention programs, and hazardous substance exposure warnings.

Local

City of West Hollywood General Plan – Safety and Noise Element

According to the Safety Element, West Hollywood is susceptible to fire, earthquakes, flooding, landslides and mudslides, subsurface gas, as well as potential exposure to hazardous materials. The City sits at the base of the Hollywood Hills where significant vegetation and brush drape the

undeveloped areas between homes and neighborhoods and the City and surrounding Southland is located in a seismically active area. Lastly, the Safety Element discloses that common hazardous materials used in urbanized areas and prevalent throughout the City may include petroleum, fertilizers, pesticides, motor oil and lubricants, cleaning products, high VOC paint and paint thinners, old batteries and other chemicals and products (City of West Hollywood 2011).

3.5.3 Thresholds of Significance

The October 2016 Initial Study (Appendix A) for the proposed project included an analysis of the following significance criteria based on Appendix G of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.). It was concluded in the Initial Study, that there were less than significant impacts for the following significance criteria. Therefore, the following significance criteria are not included as part of this EIR:

1. 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 result, would is create a significant hazard to the public or the environment.
2. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.
3. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
4. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

The following significance criteria were determined to be potentially significant in the 2016 Initial Study and are therefore evaluated in this EIR. Since publication of the Initial Study, the CEQA Guidelines have undergone a comprehensive update. Therefore, the analysis that follows relies on the updated thresholds in Appendix G of the 2019 CEQA Guidelines. According to Appendix G of the 2019 CEQA Guidelines, a significant impact related to hazards and hazardous material would occur if the project would:

- HAZ-1.** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- HAZ-2.** Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

HAZ-3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

3.5.4 Impacts Analysis

Threshold HAZ-1. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed project includes the development of a mixed-use structure consisting of a hotel, restaurant, residential units, and an art gallery with two levels of subterranean parking. Construction of the proposed project would involve demolition of the existing 10,000-square-foot commercial building located on the existing 7811 Santa Monica Boulevard parcel, the parking lot adjacent to the commercial building, the parking lot leased by the City and located along Orange Grove Avenue, and one multifamily residential building located along Ogden Drive.

During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment; however, the potential for use of these materials to result in significant hazards to the public or environment would be low. The project contractor and construction crews would be required to comply with all applicable regulations governing the use of hazardous materials. In addition, compliance with existing environmental regulations would ensure that the public and environment are protected through sound construction training programs and practices and through the installation of environmental protective measures/best management practices (BMPs) on the construction site.

During operations, the proposed project would involve very little transport, storage, use, or disposal of hazardous materials associated with janitorial, maintenance, and repair activities (i.e., commercial cleaners, lubricants, or paints), and household cleaning supplies. Use of these materials would be limited, and transport, storage, use, and disposal of these materials would be subject to federal, state, and local health and safety requirements. Therefore, impacts associated with the routine transport, use, or disposal of hazardous materials during construction and operation of the proposed project would be **less than significant**.

Threshold HAZ-2. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As previously discussed under Threshold HAZ-1, construction and operation of the proposed project would not 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. Compliance with existing environmental regulations would ensure that the public

and environment are protected through sound construction training programs and practices and through the installation of environmental protective measures/BMPs on the construction site.

As described in Section 3.5.1, on-site soils at the 7811 Santa Monica Boulevard and 1114 North Orange Grove Avenue properties on the project site were evaluated for the potential presence of contamination from former uses at the site. While low concentrations of TCE and several types of VOCs were present, they were below the action level for commercial and residential properties and were not detected in concentrations that exceed state health standards. As such, excavation activities on the project site are not anticipated to result in releases of hazardous materials into the environment. In the unlikely event that unexpected contaminated soils are encountered during excavation at the project site, soils would be tested, removed, and disposed of in accordance with applicable local, state, and federal regulations for proper treatment of contaminated soils.

For the multifamily residential building located along Ogden Drive, due to the age of the building, there is the potential to encounter ACMs and LBPs during demolition activities. A preconstruction survey would be required to determine the presence or absence of ACM and LBP. All ACM and LBP would be removed prior to the start of demolition and renovation activities in accordance with EPA requirements for LBP and the SCAQMD requirements for ACM (Rule 1403). Per state law, the applicant must obtain proof of satisfaction of state and regional requirements prior to the start of demolition and renovation activities. As such, this impact would be **less than significant**.

During project operation, use of commercial cleaners, lubricants, or paints associated with janitorial, maintenance, and repair activities during hotel operations as well as household cleaning supplies associated with the residential component of the project, would be relatively limited and would be subject to federal, state, and local health and safety requirements. As such, during operations, by adhering to existing requirements and regulations, impacts associated with reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment would be **less than significant**.

Threshold HAZ-3. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The project site is immediately adjacent to Fountain Day School. This preschool is located immediately north of the project site along Orange Grove Avenue. Other schools in the surrounding vicinity, but greater than 0.25 miles from the project site, include Laurel Span Elementary School, Beverly Hills Montessori School, ABC Little School, Larchmont Charter School, and Fairfax Senior High School. As previously discussed in Threshold HAZ-2, the proposed project would adhere to all existing requirements and regulations during construction and operations. Additionally, prior to demolition of the multifamily residential building located

along Ogden Drive, a preconstruction survey shall be completed to determine the presence or absence of ACM and LBP. In the event that ACM and/or LBP are found to be present in the residential building, all ACM and LBP would be removed prior to the start of demolition and renovation activities in accordance with EPA requirements for LBP and the SCAQMD requirements for ACM (Rule 1403). EPA requires that a state-certified lead professional complete an assessment, and if LBP is found, a certified professional shall complete the LBP abatement to ensure that LBP is properly handled and disposed of in order to prevent exposure to surrounding uses. Similarly, for the removal of ACM, SCAQMD Rule 1403 outlines requirements for ACM surveying, notification, ACM removal procedures, and ACM handling and disposal procedures. Per state law, the applicant must obtain proof of satisfaction of state and regional requirements prior to the start of demolition activities (SCAQMD 2007).

Operation of the proposed project would involve limited use of commercial cleaners, lubricants, or paints associated with janitorial, maintenance, and repair activities during hotel operations as well as household cleaning supplies associated with the residential and commercial components of the project. These uses are normal, non-hazardous, would be relatively limited, and would be subject to federal, state, and local health and safety requirements. By adhering to existing requirements and regulations, impacts associated to hazardous emissions within 0.25 miles of a school would be **less than significant**.

3.5.5 Mitigation Measures

Impacts would be less than significant. No mitigation measures are required.

3.5.6 Level of Significance After Mitigation

Impacts related to the routine transport, use, or disposal of hazardous materials as well as use of hazardous materials in proximity of a school would be less than significant.

3.5.7 References Cited

City of Hollywood. 2011. *City of West Hollywood General Plan 2035 – Land Use and Urban Form Element*. September 2011.

SCAQMD (South Coast Air Quality Management District). 2007. *Rule 1403. Asbestos Emissions from Demolition/ Renovation Activities*. Amended October 2007. Accessed January 24, 2018. <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1403.pdf>.

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