

4.8 PUBLIC HEALTH AND SAFETY

A Phase I Environmental Site Assessment (ESA) was prepared for the project site by P&D Consultants in May, 2005. In addition, a Pre-Demolition Asbestos/Lead-Based Paint Survey was conducted by AEI Consultants in December 2007 to evaluate, categorize, and quantify suspect asbestos-containing materials (ACM) and lead-based paints (LBP) at the subject property prior to demolition. The assessment presented in this section of the document summarizes the findings and recommendation of those documents. These documents are on file with the City of Newport Beach Planning Department.

4.8.1 Existing Conditions

On-Site Conditions

Records Search

The Phase I ESA included a summary of the review of records maintained by local, state and federal agencies as well as an on-site inspection. Based on information obtained for the Phase I ESA, the subject site and adjacent properties were not found on the Standard Environmental Record sources required to be reviewed under ASTM Standard E1527-00, including but not limited to the those identified in Table 4.8-1

**Table 4.8-1
Standard Environmental Records Sources**

Database Reviewed	Responsible Agency	Search Radius (Miles)
National Priorities List (NPL)	U.S. EPA	1.0
Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)	U.S. EPA	0.5
State-equivalent CERCLIS	Cal EPA	1.0
Resource Conservation and Recovery Act (RCRA)	U.S. EPA	Adjacent Properties
Emergency Response Notification System (ERNS)	U.S. EPA	Subject Site
Leaking Underground Storage Tank Program (LUST)	SWRCB/RWQCB	0.5
Underground Storage Tank (UST)	Cal EPA	Adjacent Properties
Solid Waste Information System (SWIS)	CIWMB	0.5

SOURCE: P&D Consultants (May 26, 2005)

Based on the records review, it was determined that the property was a vacant lot until approximately 1949 when the apartment building at 201 and 205 Carnation Avenue was constructed. The building originally had 13 units; however, it was expanded to 14 units. The residence at 207 Carnation Avenue was constructed in 1955. Evidence of hazardous materials usage, or of practices or conditions of environmental concern were not discovered. Further, the Orange County Health Care Agency, which is the Certified Unified Program Agency (CUPA) for the project site, did not have records indicating that hazardous materials had been stored on the property nor that events of environmental concern had affected the site.

Asbestos-Containing Materials (ACM)

A total of 43 suspect asbestos bulk samples were collected during the site inspection. Based on the analytical results of that survey, the materials listed in Table 4.8-2 contain detectable amounts of asbestos and are considered to be ACM.

**Table 4.8-2
 ACM Summary**

Building	Material Description	Location of Suspect Materials	Quantity¹	Friable (Y/N)	Percent Asbestos
201-207 Carnation Avenue	Various 9"x9" Vinyl Floor Tile and Associated Mastic	Throughout all floors under carpet and flooring, excluding bathrooms	~8,000 SF	N	4%-12% Chrysotile in tile 0%-2% Chrysotile in mastic
	Window Putty	Throughout storage window exteriors	200 LF	N	<1% Chrysotile
	Roof Patch Penetration Mastic	Throughout roof penetrations	Not Quantified	N	5% Chrysotile
¹ Quantities listed are approximate values SF – Square Feet LF – Linear Feet SOURCE: AEI Consultants (December 13, 2007)					

The ACM were observed to be in good condition and do not pose a health and safety concern to occupants of the subject property in their current state. However, any repairs, renovations, removal or demolition activities that will impact the ACM or inaccessible ACM must be performed by a licensed asbestos contractor. Implementation of the requisite industry standards for ACM removal will ensure that potential health risks are reduced to an acceptable level.

Lead-Based Paint (LBP)

As indicated above, the survey also included the identification of lead-based paint. Several building components were identified to contain LBP with a lead concentration equal to or greater than 1.0 mg/cm², which is the current regulatory threshold for the identification of LBP. Table 4.8-3 summarizes the lead-based paint identified in the buildings that occupy the subject property.

**Table 4.8-3
 LBP Summary**

Structure	Location	Member	Paint Condition	Substrate	Paint Color	Lead Concentration (mg/cm ²)
Doors	Exterior	Jambs	F – I	Wood	White and Beige	1.0 – 2.2
Doors	Interior	Jambs	I	Wood	White and Beige	1.0 – 6.1
Windows	Exterior	Trim Casing and Sill	I – P	Wood	White	1.0 – 3.9
Walls	Kitchens	Tiles	I	Ceramic	Beige	7.3 – 9.9
Porch	207 Exterior	Tiles	I	Ceramic	White	4.7
Wall	207 Bath	Tiles	I	Ceramic	Green	9.9
Column	Courtyard	N/A	I – F	Metal	White	5.1 – 6.7
Wall	207 Exterior	N/A	I	Concrete	Gray	1.8
Porch	207 Exterior	Frame	F	Wood	Gray	2.0
Roof	Exterior	Overhang	F	Wood	White	3.4

I – Intact (i.e., surface does not appear to be deteriorated)
 F – Fair (i.e., 10% or less of total surface has deteriorated paint)
 P – Poor (i.e., greater than 10% of total surface has deteriorated paint)

SOURCE: AEI Consultants (December 13, 2007)

The general overall condition of the subject interior and exterior painted/finished surfaces was observed to be intact. The LBP survey concluded that no immediate response action is necessary with respect to the noted LBP that is intact. However, a contractor performing paint removal work should follow the OSHA lead standard for the construction industry. The lead content of the paint should be considered when choosing a method to remove the paint, as proper waste disposal requirements and work protection measures must be taken. Similar to ACM removal, implementation of industry standard removal practices will ensure that any potential health risk would be avoided.

Off-Site Conditions

Several properties located within one-half mile of the subject site appear on one or more of the lists provided by various government agencies. As indicated in Table 4.8-4, five commercial establishments exist within one-half mile of the subject property that utilize hazardous materials

**Table 4.8-4
 Results of Database Review**

Property Name And Address	Distance (feet)	Database(s)	Comments
North Beach Coastal 1901 Bayside Drive	2,100 feet northeast/ downgradient	LUST	Release of gasoline to soil only; closed 1998; low risk to property.
Shell Service Station 2801 Coast Highway	2,100 feet northeast/ upgradient	LUST	Release of gasoline that affected groundwater; closed 1991; low risk to property.
Doud Commercial Office 3100 Coast Highway	2,200 feet east/ upgradient to crossgradient	LUST	Release of gasoline to unstated media; closed 1985; low risk to property.
Chevron Service Station 2546 Coast Highway	2,500 feet northeast/ upgradient	Haznet, LUST, Cortese	Release of gasoline to soil only; closed 1996; low risk to property.
SOURCE: P&D Consultants (May 26, 2005)			

4.8.2 Significance Criteria

Implementation of the proposed project would result in a significant adverse environmental impact if any of the following occurs as a result of project implementation.

- 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.
- Result in a safety hazard for people residing or working in the project area if located within two miles of a public airport or public use airport.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan

4.8.3 Standard Conditions

- SC 4.8-1 The City of Newport Beach will require all plans for proposed uses within the project site to comply with all applicable Federal, State, and local regulations pertaining to the transport, storage, use and/or disposal of hazardous materials on the site.

4.8.4 Potential Impacts

4.8.4.1 Short-Term Construction Impacts

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

Construction activities would involve the use of hazardous materials associated with the construction of a residential building such as oil, gas, tar, construction materials and adhesives, cleaning solvents and paint. Transport of these materials to the site and use on the site would only create a localized hazard in the event of an accident or spills. Hazardous materials use, transport, storage and handling would be subject to federal, state and local regulations to reduce the risk of accidents. Equipment maintenance and disposal of vehicular fluids is subject to existing regulations, including the National Pollutant Discharge Elimination System (NPDES). In addition, trash enclosures are required to be maintained with covered bins and other measures to prevent spillage and/or seepage of materials into the ground. Given the nature of the project in terms of scope and size, it is anticipated that normal storage, use and transport of hazardous materials will not result in undue risk to construction workers on the site or to persons on surrounding areas. The use and disposal of any hazardous materials on the site and in conjunction with the project will be in accordance with existing regulations. With the exception of small quantities of pesticides, fertilizers, cleaning solvents, paints, etc., that are typically used to maintain residential properties, on-going operation of the site for residential use will not result in the storage or use of hazardous materials.

As indicated in Table 4.8-2, a total of 43 suspect asbestos bulk samples were collected during the site inspection. These materials, which contain detectable amounts of ACM that could be potentially hazardous if not properly removed, must be properly removed by a licensed and Cal/OSHA registered asbestos abatement contractor prior to the demolition of the building in accordance with all applicable regulations. The LBP survey (refer to Table 4.8-3) concluded that no immediate response action is necessary with respect to the noted LBP that is intact. Nonetheless, similar to ACM removal, implementation of industry standard removal practices will ensure that any potential health risk would be avoided.

4.8.4.2 Long-Term Operational Impacts

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

Project implementation includes the activities associated with site preparation and construction of a structure that contains eight condominium units and the continued long-term use of the site for residential development, which does not typically involve the use and/or transport of hazardous materials and other substances that would represent a hazard in the community. Although some fertilizers, herbicides, cleaning solvents, paints, and/or pesticides would be utilized on-site, such materials are of the household variety and do not pose a significant health hazard or risk. Therefore, no significant impacts are anticipated.

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 indicated above, the existing structures were found to contain ACM and LBP. However, the ACM were observed to be in good condition and although they do not pose a significant health and safety concern to occupants of the subject property in their current state, they must be properly removed prior to demolition of the existing structures. Similarly, the general overall condition of the subject interior and exterior painted/finished surfaces was observed to be intact; no immediate response action is necessary with respect to the noted LBP that is intact. Project implementation will result in the demolition of the existing structures; however, the ACM and LBP will be handled in accordance with the procedures prescribed by the City of Newport Beach and other regulatory agencies. As a result, any potentially significant health hazard to either the public or environment would be reduced to a less than significant level as a result of the proper removal of those contaminants.

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

The closest school to the project site is Harbor View School, located approximately 0.7 mile from the project site to the northeast. The school is physically separated from the project site by a residential community and East Coast Highway (SR-1) and will not be directly impacted by construction activities on the site. Although the proposed condominiums would not include any activities or mechanical or chemical processes that would emit hazardous emissions, the existing structures were found to contain ACM and LBP; however, as prescribed in the mitigation measures, the existing ACM and LBP will be handled in accordance with the procedures prescribed by the SCAQMD and other Orange County Health Care Agency. Therefore, release of hazardous materials during demolition of the existing structures would be prevented through adherence to routine control measures monitored by the City Building Department and other regulatory agencies, as noted in the response to the discussion presented in Section VII.a.

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

As indicated in Section 4.8.1, P&D Consultants conducted a Phase I ESA on the site, including both records and literature searches as well as a site survey conducted on the property. Based on the results of the Phase I ESA, the subject property is not included on any list of hazardous materials sites. Further, there is no evidence of either on-site or off-site environmental conditions that would adversely affect site development. No historical recognized environmental conditions were identified in connection with the property. Therefore, no significant impacts are anticipated and no mitigation measures are required.

Result in a safety hazard for people residing or working in the project area if located within two miles of a public airport or public use airport

The subject property is located approximately five miles southeast of John Wayne Airport. As such, the site is not located within the limits of the JWA land use plan or other public airport or private landing strip. Neither that commercial airport nor any other public airport or private aviation facility is located within two miles of the site. As a result, project implementation will not result in potential adverse impacts, including safety hazards, to people residing or working in the project area. No significant impacts will occur as a result of project implementation and no mitigation measures are necessary.

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

The City of Newport Beach has prepared an Emergency Preparedness Plan that designates procedures to be followed in case of a major emergency. The plan identifies resources available for emergency response and establishes coordinated action plans for specific emergency situations and disasters, including earthquakes, fires, major rail and roadway accidents, flooding, hazardous materials incidents, civil disturbance, and nuclear disasters and attack. The project site is not designated for emergency use within the Emergency Preparedness Plan. The primary concern of the Safety Element and the City Newport Beach is in terms of risks to persons and personal property. Although the site is subject to potentially severe seismic shaking or fires, development pursuant to building and fire code requirements will ensure that the potential impacts are minimized or reduced to an acceptable level. The proposed development is not located within a flood hazard area. Development of the subject property as proposed will not adversely affect either the evacuation routes or the adopted emergency preparedness planning program(s) being implemented by the City of Newport Beach. Therefore, project implementation will not physically interfere with the City's emergency planning program. No significant impacts will occur as a result of project implementation and no mitigation measures are required.

4.8.5 Mitigation Measures

Impact 4.8-1 *Project implementation would result in the demolition of the existing residential structures occupying the site, which would affect materials that contain detectable amounts of ACM.*

MM 4.8-1 Any repairs, renovations, removal or demolition activities that will impact the ACM or inaccessible ACM shall be performed by a licensed asbestos contractor. Inaccessible suspect ACM shall be tested prior to demolition or renovation. Air emissions of asbestos fibers and leaded dust would be reduced to below a level of significance through compliance with existing federal, state, and local regulatory requirements. Proper safety procedures for the handling of suspect ACM shall always be followed in order to protect the occupants of the building and the asbestos workers.

Impact 4.8-2 *Project implementation would result in the demolition of the existing residential structures occupying the site. Several building components were identified to contain LBP with a lead concentration equal to or greater than 1.0 mg/cm², which is the current regulatory threshold for the identification of LBP.*

MM 4.8-2 A contractor performing paint removal work shall follow the OSHA lead standard for the construction industry. The lead content of the paint should be considered when choosing a method to remove the paint, as proper waste disposal requirements and worker protection measures shall be implemented throughout the removal process.

4.8.6 Level of Significance After Mitigation

Implementation of the standard condition and mitigation measures prescribed by the City and other regulatory agencies having jurisdiction will ensure that potential hazardous conditions would be avoided or would be reduced to a less than significant level. No significant unavoidable adverse impacts are anticipated as a result of project implementation.