



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 21, 2023

Rebecca Bustos
Principal Planner
City of Santa Clara
1500 Warburton Avenue
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RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE MISSION
POINT PROJECT DATED NOVEMBER 16, 2023 STATE CLEARINGHOUSE #
[2018072068](#)

Dear Rebecca Bustos,

The Department of Toxic Substances Control (DTSC) received a DEIR for the Mission Point Project (Project). The Project would demolish the existing office buildings and establish a new mixed-use neighborhood. The Project includes a General Plan amendment from High-Intensity Office/Research-and-Development (R&D) to a newly established Urban Center Mixed Use, and the existing zoning would be changed from Light Industrial to Planned Development. The Project would include up to 4,913,000 gross square feet (gsf) of new development, including approximately 1.8 million gsf of residential uses (up to 1,800 units), approximately 3 million gsf of office/R&D space, approximately 100,000 gsf of neighborhood retail uses, and approximately 10,000 gsf of childcare facilities, along with 3,000 gsf of community space. An approximately 18,000 gsf electrical substation would also be constructed to support the Project.

Parking would be provided in a mix of subsurface and aboveground parking facilities. In addition, the Project would include approximately 16 acres of publicly accessible open space; approximately 10 acres of private open space for residential and office uses; new bicycle, pedestrian, and vehicular circulation routes; and upgraded and expanded infrastructure. Based on our Project review, DTSC requests consideration of the following comments.

1. The Environmental Setting, Soil and Groundwater Contamination section of the DEIR states the following: “The 2022 Phase I ESA contains the following conclusions and recommendations: The source of the methane in soil vapor is unclear. The presence of methane and VOCs at concentrations exceeding screening levels suggests that vapor intrusion mitigation measures may be required for some of the planned buildings. The need for vapor intrusion mitigation would depend on the building location, intended use, building design, and the methane and VOC concentrations present in soil vapor at the time of construction. Additional soil vapor sampling should be performed when 10 Tier 1 Environmental Screening Levels (ESLs) are the most conservative ESLs established by the Regional Water Board and account for all possible exposure pathways and receptors. Based on these results, DTSC recommends the City of Santa Clara should work with the County of Santa Clara who can provide oversight as a certified local agency or enter into DTSC’s Standard Voluntary Agreement (SVA) program so a proper evaluation of the Project can be reviewed by designated DTSC technical staff. The [FLUXX portal link](#) is provided and the page also has a link to the [Fluxx User Guide](#) that can help you navigate the system. You will need to create a new profile and once in the system, click “Start a Request for Lead Agency Oversight Application.” DTSC recommends that once the SVA is signed, a Preliminary Endangerment Assessment Report (PEA Report) be submitted for DTSC review. The PEA Report shall summarize all existing data and provide an evaluation of the possible risk to current and future users of the site.

If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator [Gregory Shaffer](#) or contact the [Application Portal Inbox](#).

2. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [*Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers*](#).
3. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within approved screening levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use.

DTSC appreciates the opportunity to comment on the Mission Point Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Rebecca Bustos
December 21, 2023
Page 4

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control

cc: (via email)

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