



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
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**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

March 19, 2024

**Governor's Office of Planning & Research**

Brian Norton

**March 19 2024**

Senior Planner

**STATE CLEARINGHOUSE**

City of Riverside

3900 Main Street, 3<sup>rd</sup> Floor

Riverside, CA 92522

[bnorton@riversideca.gov](mailto:bnorton@riversideca.gov)

RE: DRAFT ENVIRONMENTAL IMPACT (DEIR) FOR THE ARLINGTON MIXED-USE DEVELOPMENT PROJECT, DATED FEBRUARY 6, 2024 STATE CLEARINGHOUSE NUMBER [2023060428](#)

Dear Brian Norton:

As a Responsible Agency, the Department of Toxic Substances Control (DTSC) received the DEIR for the Arlington Mixed Use Development Project. The Project proposes the demolition of all existing 192,139 square foot (sf) former Sears buildings located at or near 5261 Arlington Avenue in Riverside, California. The Project proposes the development of approximately 576,203 (sf) of residential and commercial retail uses. The Project will include several amenities including: onsite leasing office, tuck-under garages, carports, a public dog park, an outdoor resort style pool and spa, a fitness area, clubhouse, shade structures with barbeques and tables, multi-use turf areas, and outdoor gaming and play spaces. The residential component of the proposed Project includes development of 27 residential buildings providing for 546,474 (sf) of residential uses and 4,409 (sf) Clubhouse/Fitness/Leasing building. The Clubhouse/Fitness/Leasing building will be publicly accessible while the residential portion will be accessible via gates. The residential buildings will allow for a total of 388

dwelling units and be divided between thirteen 3-story garden style buildings providing for 318 dwelling units and fourteen 2-story townhome buildings providing for 70 dwelling units. The proposed Project will also provide 25,320 (sf) of commercial-retail use by way of two commercial-retail buildings in the southeastern portion of the site along Arlington Avenue. A 5,000 (sf) multi-tenant retail speculative pad would be located in the southwestern corner of the project site with an adjoining outdoor dining/flex space that could include a 24-hour operation. This area of the site also proposes a 20,320-(sf) grocery store pad. After review of the DEIR, DTSC has the following comments for consideration:

1. Section 5.6, Site Background states, "The Santa Ana Regional Water Quality Control Board (SARWQCB) granted regulatory closure for the UST (Underground Storage Tank) release via a "No Further Action" letter dated June 26, 2003. The letter indicated that corrective action should be reviewed in the future if land use changes." The EIR further states, "On March 6, 2015, five direct push boring locations were advanced to a maximum depth of 45 feet below ground surface for soil and groundwater sampling. Sample locations were chosen to characterize potential impacts related to the former on-Site UST system, the automotive center oil/water separator, and solvent releases from the upgradient off-Site Crown Cleaners facility. TPH (Total Petroleum Hydrocarbons) concentrations below the applicable Los Angeles RWQCB maximum screening levels and volatile organic compound (VOC) concentrations below the United States Environmental Protection Agency (USEPA) Region 9 Regional Screening Levels (RSL) were detected in soil collected from the former UST and oil/water separator areas." However, it is not clear whether the Region 9 Regional Screening Levels compared were residential or industrial/commercial. Please clarify this in the EIR. If the Regional Screening Levels (RSL) are compared industrial/commercial, further action may be necessary at the Site.
2. Section 5.6 of the EIR states, "A Phase I Environmental Site Assessment (2021 Phase I ESA) was conducted by Weis Environmental dated November 11, 2021 (WEIS-A) as well as an Addendum to Phase I Environmental Site Assessment

(Addendum) dated March 10, 2023 (WEIS-B), and Work Plan for Subsurface Assessment (Work Plan) dated October 3, 2022 (WEIS-C). A Comprehensive Subsurface Assessment was also conducted by Weis Environmental dated July 31, 2023 (WEIS-D)". Under the conclusion section of 5.6 of the EIR, it states, "Existing residual petroleum impacts and chlorinated solvent impacts may be attributed to the former UST system at the [Crown Cleaners \(Heritage Plaza\)](#) facility at 5190 Arlington Avenue (WEIS-D, pp. 4-5). However, with implementation of mitigation measures [MM HAZ-1 and MM HAZ-2](#) which require soil decontamination and vapor barriers, impacts from existing residual petroleum and chlorinated solvents would be less than significant." In such cases, a Land Use Covenant (LUC) needs to be recorded with the County to restrict the property for a hospital for all persons, a public or private school for those under 21 years of age, and a day care center for children. No activities that will disturb the soil at or below (5) feet below grade (e.g., excavation, grading, removal, trenching, filling, earth movement, mining, or drilling) shall be allowed on the property without a Soil Management Plan approved by the regulatory agency in advance. 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. Any contaminated soil brought to the surface by grading, excavation, trenching or backfilling shall be managed in accordance with all applicable provisions of state and federal law and approved by DTSC.

3. In Section 5.6.7 (Environmental Impacts), Bullet # 1 under the Workplan states, "At one of the sampling locations (near a former fueling dispenser), stained and odorous soil was observed/noted at depths of 5 and 10 feet. Soil in this limited area may be encountered during future grading activities and can be segregated

and removed from the Site under conventional soil management protocols.”

Please indicate the mechanism utilized for excavation and how much soil will be removed. Furthermore, it is not clear why a cleanup is warranted following a regulatory agency oversight of the environmental investigation defining the nature and extent of the contamination. This should be further explained and clarified.

4. Section 5.6.8, Recommended Mitigation Measures, does not mention an operation and maintenance plan, and/or any annual monitoring requirements. These requirements and the LUC cited above should be included in the recommended mitigation measures of the EIR. Please refer to the project for all required activities.

DTSC believes the City of Riverside must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC appreciates the opportunity to comment on the Arlington Mixed-Use Development 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.

Sincerely,



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