



*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

September 28, 2023

Chris Schaefer, AICP  
Planning Manager City of Fullerton  
Community Development Department  
303 W. Commonwealth Avenue  
Fullerton, CA 92832  
[chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com)



RE: NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE FULLERTON HOUSING INCENTIVE OVERLAY ZONE (HIOZ) PROGRAM, DATED SEPTEMBER 8, 2023 STATE CLEARINGHOUSE # [2023090133](#)

Dear Chris Schaefer:

The Department of Toxic Substances Control (DTSC) received a NOP of a DEIR for the Fullerton Housing Incentive Overlay Zone Program (Project). The Project would create an overlay zone that would allow a property owner to develop multi-family housing on a parcel with a non-residential underlying zoning classification in exchange for providing a specified percentage of deed-restricted affordable housing units. The Project would apply an overlay zone to 759 parcels across the city totaling 593 acres. DTSC has identified that this project may affect sites within the Project area therefore, based on our project review, we request the consideration of the following comments.

Due to the broad scope of the Project, DTSC is unable to determine the locations

of the proposed Project area, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the Project area to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on the Project areas that may fall under DTSC's oversight within the Draft EIR. Once received, DTSC may provide additional comments on the DEIR as further information becomes available. Please review the Project area in [Envirostor](#); DTSC's public-facing database.

DTSC believes the City of Fullerton 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 recommends the City of Fullerton connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered. Please refer to the [City of Fullerton EnviroStor map](#) for additional information about the areas of potential contamination

DTSC appreciates the opportunity to comment on the Fullerton Housing Incentive Overlay Zone Program. 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,



Dave Kereazis  
Associate Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and  
Research State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ms. Tamara Purvis  
Associate Environmental Planner  
HWMP – Permitting Division - CEQA Unit  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Scott Wiley  
Associate Governmental Program Analyst  
HWMP – Permitting Division - CEQA Unit  
Department of Toxic Substances Control  
[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)