



**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**

July 5, 2024

Chris Schaefer

Planning Manager

City of Fullerton Attn: Planning Department

303 W. Commonwealth Avenue,

Fullerton, CA 92832

[chris.schaefer@cityoffullerton.com](mailto:chris.schaefer@cityoffullerton.com)

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FULLERTON HOUSING INCENTIVE OVERLAY ZONE PROGRAM PROJECT, DATED MAY 30, 2024, STATE CLEARINGHOUSE NUMBER [2023090133](#)

Dear Chris Schaefer,

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Fullerton Housing Incentive Overlay Zone Program project (project). The proposed project would create an overlay zone that allows 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 proposed project would apply to 759 parcels across the City totaling 593 acres. Implementation of the project could result in a buildout potential of 35,611 units. The project would not directly result in the construction of the total buildout potential of 35,611 units. Instead, the project would facilitate the construction of housing units with the adoption of this zoning program.

After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. The proposed project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment.
2. The DEIR should acknowledge the potential for historic or future activities on or near the [Autonetics/Raytheon site](#), and the [CBS Fender site](#) due to the release of hazardous wastes/substances on or near the site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. Autonetics/Raytheon and CBS Fender sites are currently under review by EPA to determine whether they are partially responsible parties for the [Orange County North Basin Superfund Site](#). Despite the sites being evaluated under the EPA Superfund Program, any surface redevelopment would not be affected.
3. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight and possibly soil testing. It is recommended that a Phase I and Phase II Environmental Site Assessment of each site be conducted with DTSC consultation.
4. 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 Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

5. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen 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 outlined in the [PEA Guidance Manual](#) 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. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

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



Dave Kereazis

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

Chris Schaefer

July 5, 2024

Page 4

cc: (via email)

Governor's Office of Planning and

Research State Clearinghouse

[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ali Hobballah

Hazardous Substance Engineer

SMRP – Cleanup Program

Department of Toxic Substances Control

[Ali.Hobballah@dtsc.ca.gov](mailto:Ali.Hobballah@dtsc.ca.gov)

Scarlett Zhai

Supervising Hazardous Substance Engineer

SMRP – Cleanup Program

Department of Toxic Substances Control

[Scarlett.Zhai@dtsc.ca.gov](mailto:Scarlett.Zhai@dtsc.ca.gov)

Christopher Ioan

Hazardous Substance Engineer

SMRP – Cleanup Program

Department of Toxic Substances Control

[Christopher.ioan@dtsc.ca.gov](mailto:Christopher.ioan@dtsc.ca.gov)

Nicholas Ta

Senior Environmental Scientist (Supervisor)

SMRP – Cleanup Program

Department of Toxic Substances Control

[Nicholas.Ta@dtsc.ca.gov](mailto:Nicholas.Ta@dtsc.ca.gov)

Chris Schaefer

July 5, 2024

Page 5

Folashade Simpson

Environmental Scientist

SMRP – Cleanup Program

Department of Toxic Substances Control

[Folashade.Simpson@dtsc.ca.gov](mailto:Folashade.Simpson@dtsc.ca.gov)

Gregory Shaffer

Senior Environmental Scientist (Supervisor)

SMRP – Cleanup Program

Department of Toxic Substances Control

[Gregory.Shaffer@dtsc.ca.gov](mailto:Gregory.Shaffer@dtsc.ca.gov)

Karen Mclaughlin

Senior Environmental Scientist (Specialist)

SMRP – Cleanup Program

Department of Toxic Substances Control

[Karen.Mclaughlin@dtsc.ca.gov](mailto:Karen.Mclaughlin@dtsc.ca.gov)

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)