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Secretary for
Environmental Protection



Department of Toxic Substances Control

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Gavin Newsom
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SENT VIA ELECTRONIC MAIL

May 17, 2024

Erik Young

Supervising Planner

City of Fresno

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Governor's Office of Planning & Research

May 17 2024

STATE CLEARINGHOUSE

RE: MITIGATED NEGATIVE DECLARATION (MND) FOR THE DEVELOPMENT PERMIT APPLICATION NO. P22-04326 PROJECT DATED MAY 3, 2024 STATE CLEARINGHOUSE NUMBER [2024050176](#)

Dear Erik Young,

The Department of Toxic Substances Control (DTSC) received a MND for the Development Permit Application No. P22-04326 project (project). The applicant proposes to develop a three-story, 191-unit luxury multi-family residential apartment complex. This includes 13 buildings with solar roofing as required by the California Building Code (some of them with carports), a community building, and open space amenities on approximately 7.10 acres of property. The project will be surrounded with a wrought iron fence combined with wrought iron-masonry block wall, and would provide gated entrances. The development includes internal driveways and parking with electrical vehicle charging stations, a community building, swimming pool, and two centrally-located green open space areas. Outside of parking, building, and recreational areas, the remainder of the project site would be landscaped with trees and

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

1. 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 (RSLs) 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](#) 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](#).
2. If screening levels exceed screening levels outlined in the [PEA](#), DTSC recommends the City of Fresno utilize an approved oversight on the list of [Certified Local Agencies](#) or enter into DTSC's Standard Voluntary Agreement (SVA) program so a proper evaluation of the Project is completed. If entering into an SVA with DTSC, 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. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator [Gregory Shaffer](#) or contact the [Application Portal Inbox](#).

DTSC appreciates the opportunity to comment on the MND for the Development Permit Application No. P22-04326 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.

Erik Young
May 17, 2024
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Sincerely,

Dave Kereazis

Dave Kereazis
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cc: (via email)

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