



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

November 5, 2024

Holly Owen
Community Development Director
City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631
howen@cityofkingsburg-ca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE KINGS ESTATES V DATED
OCTOBER 29, 2024, STATE CLEARINGHOUSE NUMBER [2024101271](#)

Dear Holly Owen,

The Department of Toxic Substances Control (DTSC) reviewed the Kings Estates V project (project). The West Star Construction Company, Inc. has proposed a new Tentative Subdivision Map (TSM) on a site to the north of the current Kingsburg city limits, comprising of three parcels, approximately 33.27 acres in size. In order for the project to be developed within the City of Kingsburg, each of the aforementioned parcels would be required to be annexed into the City of Kingsburg. The parcels that would be developed have historically been used for agricultural purposes. Currently the site contains two single-family residences that would be demolished as a part of the project. The site is also comprised of natural vegetation, vineyards and trees that would be removed as a part of the project. The project involves several approvals, each described in more detail below.

The proposed TSM would result in the subdivision of the site into 97 single-family residential lots, ranging from approximately 7,360 square feet in size, to approximately 13,256 square feet in size. Additionally, the TSM proposes an approximately 43,477 square feet park and an approximately 58,411 square feet basin that would serve the

residential project. The site is located on land designated as Low Density Residential (LDR) by the City of Kingsburg General Plan. The TSM would be developed to meet the density requirements of the LDR land use.

As previously mentioned, the project site is not currently located within the Kingsburg City limits. As a result, in tandem with being annexed to the City of Kingsburg, the project site must be pre-zoned to a City zoning district. Each of the four parcels that would be annexed into the City are designated as LDR land uses by the City's General Plan. As a result, the project would rezone these four parcels from their existing County of Fresno Exclusive Agricultural designation.

Upon approval of the project by the City of Kingsburg City Council, the annexation of the project site would be initiated with the Fresno County Local Agency Formation Commission. The entire four parcel, 42.52-acre site would be annexed into the City of Kingsburg. DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.

Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required.

2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. 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 are suitable 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](#).

3. 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 PEA Guidance Manual](#).

DTSC appreciates the opportunity to comment on the MND for the Kings Estates V 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 clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

Tamara Purvis

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cc: (via email)

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