



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

November 15, 2024

Kara Hawkins
Planner III
City of San Jose
200 E Santa Clara Street T3
San Jose, CA 95113
kara.hawkins@sanjoseca.gov

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 211-281 RIVER OAKS PARKWAY RESIDENTIAL PROJECT DATED NOVEMBER 7, 2024, STATE CLEARINGHOUSE NUMBER [2024110255](#)

Dear Kara Hawkins,

The Department of Toxic Substances Control (DTSC) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 211-281 River Oaks Parkway Residential Project (Project). The project requests a Site Development Permit to allow the demolition of three buildings totaling approximately 164,606 square feet and the removal of 220 trees (142 ordinance-size, 78 non-ordinance-size) for the construction of a 737-unit multifamily residential development on an approximately 9.82-gross acre site.

DTSC recommends and requests consideration of the following comments:

1. Section 6. Hazards and Hazardous Materials of the NOP of a DEIR discusses that ENGEO conducted a modified Phase I Environmental Site Assessment (Phase I ESA) on July 5, 2023 and a Soil Gas Report was prepared for the property. The NOP of a DEIR states:
“The report was prepared to address potential environmental concerns

associated with former off-site commercial/industrial facilities. While benzene was detected above its residential ESL in all five soil gas samples, the marginal exceedances of benzene residential ESLs are not an environmental concern given the overall oxygen levels are sufficient to support bio-attenuation. Based on the findings of this assessment, no Recognized Environmental Conditions (RECs), no historical RECs and no controlled RECs were identified for the property. No further environmental studies were recommended and the property was deemed suitable for residential development.”

DTSC recommends the City of San Jose enter into a voluntary agreement to address contamination at brownfields and other types of properties or receive oversight from a [self-certified local agency](#), DTSC or Regional Water Quality Control Board. If entering into one of DTSC’s voluntary agreements, please note that DTSC uses a single standard [Request for Lead Agency Oversight Application](#) for all agreement types. Please apply for DTSC oversight using this link: [Request for Agency Oversight Application](#). Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact your [Regional Brownfield Coordinator](#).

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 prior land use. Additional

Kara Hawkins
November 15, 2024
Page 3

information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the 211-281 River Oaks Parkway Residential 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

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Kara Hawkins
November 15, 2024
Page 4

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Jason Brandman
Sr. Vice President
First Carbon Solutions
jbrandman@fcs-intl.com

Scott Connelly
Project Manager / Project Applicant
Valley Oak Partners LLC
scott@valleyoakpartners.com

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov