



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 27, 2024

Steve Le
Senior Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
SLe@SantaClaraCA.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE CHEENEY STREET
TOWNHOMES PROJECT DATED DECEMBER 13, 2024, STATE CLEARINGHOUSE
NUMBER [2024120531](#)

Dear Steve Le,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Cheeney Street Townhomes Project (Project). The Project proposes a General Plan Amendment to change the General Plan designation from Very Low Density Residential to Low Density Residential, a rezoning from Single-Family Residential to Low Density Residential, a tentative subdivision map to subdivide the site, and a site development permit and architectural review to develop residential units on-site. The Project proposes to construct nine two-story townhomes with individual at-grade garages. Two pairs of attached town homes (four units), divided by a five-foot pedestrian walkway, would be located at the Cheeney Street frontage. Five attached town home units would be located to the rear of the site. Each of the nine units would include a private yard. 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 prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).
3. The Santa Clara Fire Department is not a [self-certified local agency](#) therefore, DTSC recommends the City of Santa Clara 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 the Regional

Steve Le
December 27, 2024
Page 3

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](#).

DTSC appreciates the opportunity to comment on the MND for the Cheeney Street Townhomes 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,

A handwritten signature in cursive script that reads "Dave Kereazis".

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
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Steve Le
December 27, 2024
Page 4

cc: (via email)

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