



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

May 8, 2025

Chris Yeager
Senior Planner
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626
Christopher.yeager@costamesaca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE BEAR STREET RESIDENTIAL PROJECT DATED May 2, 2025, STATE CLEARINGHOUSE NUMBER [2025050135](#)

Dear Chris Yeager,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Bear Street Residential Project (Project). MLC Holdings, LLC. proposes to develop a new residential infill community consisting of 142 for-sale townhomes ranging from approximately 1,060 to 2,218 square foot comprising 2-story detached condominiums and larger 4-story stacked flats. A Phase I Environmental Site Assessment conducted by Hillmann revealed that a cursory visual screening was performed to check for asbestos containing materials (ACMs) and lead-based paint (LBPs). The Phase I also stated the visual screening was not intended to be a comprehensive survey for the presence of ACMs and LBPs and no further testing has been conducted since. DTSC recommends and requests consideration of the following comments:

1. 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 LBPs or products, mercury, ACMs, 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](#).

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 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](#).

DTSC would like to thank you for the opportunity to comment on the MND for the Bear Street 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 our [CEQA Review 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

Chris Yeager

May 8, 2025

Page 3

cc: (via email)

Governor's Office of Land Use and Climate Innovation

State Clearinghouse

State.Clearinghouse@opr.ca.gov

Cecilia So

Associate Director

FirstCarbon Solutions

cso@fcs-intl.com

Vanessa Scheidel

Project Applicant

MLC Holdings, Inc.

Vanessa.Scheidel@meritagehomes.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